



TENNESSEE ADMINISTRATIVE REGISTER



July 14 , 2006
Volume 32, Number 7

RILEY C. DARNELL
Secretary of State

Division of Publications
8th Floor, Snodgrass-Tennessee Tower
312 8th Avenue North
Nashville TN 37243 - 0310

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PREFACE

The Tennessee Administrative Register (T.A.R.) is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Financial Institutions, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

Emergency Rules are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

Proposed Rules are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

Public Necessity Rules are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

Wildlife Proclamations contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the *official compilation-Rules and Regulations of the State of Tennessee*.

Back Issues - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

Copies of Rules from Back Issues of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

Reproduction - There are no restrictions on the reproduction of official documents appearing in the *Tennessee Administrative Register*.

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ANNOUNCEMENTS

DEPARTMENT OF FINANCIAL INSTITUTIONS – 0180

ANNOUNCEMENT OF FORMULA RATE OF INTEREST

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 12.00%.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

Greg Gonzales

DEPARTMENT OF FINANCIAL INSTITUTIONS – 0180

ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of August 2006 is 9.38 percent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long-term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the calculated rate is 5.38 percent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P.L. 96-221 as amended by P.L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

Greg Gonzales

ANNOUNCEMENTS

GOVERNMENT OPERATIONS COMMITTEES

ANNOUNCEMENT OF PUBLIC HEARINGS

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the previous month. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3072.

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-01	June 1, 2006	1200 Health Health Related Boards	Proposed Rules	Amendments New Rule	<i>Chapter 1200 10 2</i> <i>General Rules and Regulations Governing the Practice of Reflexology</i> 1200-10-2-.05 Registration Renewal and Reinstatement 1200-10-2-.07 Registration Discipline and Advisory Rulings 1200-10-2-.08 Advertising		Oct 27, 2006
06-02	June 1, 2006	0620 Finance and Administration Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-13</i> <i>TennCare Medicaid</i> 1200-13-13-.01 Definitions 1200-13-13-.02 Eligibility	George Woods Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 (615) 507-6446	August 15, 2006
06-05	June 12, 2006	0620 Finance and Administration Bureau of TennCare	Rulemaking Hearing Rules	Amendment	<i>Chapter 1200-13-13</i> <i>TennCare Medicaid</i> 1200-13-13-.04 Covered Services	George Woods Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 (615) 507-6446	Aug 26, 2006
06-06	June 12, 2006	0620 Finance and Administration Bureau of TennCare	Rulemaking Hearing Rule	Amendment	<i>Chapter 1200-13-14</i> <i>TennCare Standard</i> 1200-13-14-.04 Covered Services	George Woods Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 (615) 507-6446	Aug 26, 2006
06-07	June 14, 2006	1200 Health Office of Policy, Planning and Assessment Health Statistics	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-7-3</i> <i>Hospital Discharge Data System</i> 1200-7-3-.01 Definitions 1200-7-3-.05 Processing and Verification 1200-7-3-.02 Required Data Elements 1200-7-3-.06 Data Availability 1200-7-3-.03 Submission Time Line 1200-7-3-.07 Confidential Information 1200-7-3-.04 Penalty Assessment	Robert J. Kraemer Health OGC 2220 Athens Way Nashville TN 37228 (615) 741-1611	Aug 28, 2006

ANNOUNCEMENTS

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ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-19	June 19, 2006	0785 Indian Affairs	Rulemaking Hearing Rules	New Rules	<i>Chapter 0785-1</i> <i>Recognition Criteria For Native American Indians</i> 0785-1-.01 General 0785-1-.02 Recognition Criteria For Native American Indian Nations, Tribes or Communities 0785-1-.03 Recognition Criteria For Native American Indian Groups/ Organizations 0785-1-.04 Recognition Criteria For Native American Indian Individuals In Tennessee 0785-1-.05 Procedures For Petitioning For Recognition 0785-1-.06 Changes In Membership Rolls 0785-1-.07 Administrative Review	Mr. Ed Harris 20th Floor, L & C Tower 401 Church Street Nashville, TN 37243-1535 (615) 532-0135	Sept 2, 2006
06-20	June 19, 2006	1720 The University of Tennessee <i>UT Chattanooga</i>	Proposed Rules	Amendments	<i>Chapter 1720-2-2</i> <i>Student Housing Regulations</i> 1720-2-2-.01 Residence Requirements 1720-2-2-.02 Differentiated Housing 1720-2-2-.03 Contractual Arrangements 1720-2-2-.04 Damage 1720-2-2-.05 Room Changes 1720-2-2-.06 Check Out 1720-2-2-.07 Inspection and Search Policy 1720-2-2-.08 Residence Hall Regulations	Ronald C. Leadbetter University of Tennessee 719 Andy Holt Tower Knoxville TN 37996-0170 (865) 974-3247	Oct 27, 2006
06-21	June 216 2006	1200 Health Bureau of Alcohol and Drug Abuse Services Alcohol and Drug Addiction Treatment Program	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-30-3</i> <i>Rules for the Alcohol and Drug Addiction Treatment Fund</i> 1200-30-3-.01 Purpose and Scope 1200-30-3-.02 Definitions 1200-30-3-.03 Eligibility for Participation in the DAT Program 1200-30-3-.04 Admitting Participants to the ADAT Program 1200-30-3-.05 Monitoring Participant Compliance and Discharging Participants from the ADAT Program 1200-30-3-.06 Payment of Treatment Providers for Services Rendered to ADAT Program Participants 1200-30-3-.07 Payment of Ignition Interlock Device	Richard F. Russell Health OGC 2220 Athens Way Nashville TN 37228 (615) 741-1611	Aug 28, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-23	June 20, 2006	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendment	Chapter 1660-1-8 Rules and Regulations of Hunts 1660-1-8-.05 (4) Permit Applications and Drawings,	Sheryl Holtam TWRA P.O. Box 40747 Nashville TN 37204 (615) 781-6606	Sept 3, 2006
06-26	June 20, 2006	1240 Human Services Adult and Family Services	Rulemaking Hearing Rules	Repeals	<i>Chapter 1240-4-6 Licensure Rule for Child Care Centers Serving School-Age Children</i>	William B. Russell General Counsel Citizens Plaza Bldg 15th Fl 400 Deaderick St Nashville TN 37248-0006 (615) 313-4731	Sept 3, 2006
06-27	June 20, 2006	1240 Human Services Adult and Family Services	Rulemaking Hearing Rules	Repeals New Rules	<i>Chapter 1240-4-3 Licensure Rules For Child Care Centers Serving Pre-School Children</i> 1240-4-3-.01 Scope and Purpose 1240-4-3-.02 Definitions 1240-4-3-.03 Basis for Issuance of a License 1240-4-3-.04 Procedures for Obtaining a License 1240-4-3-.05 Ownership, Organization, and 1240-4-3-.06 Supervision 1240-4-3-.07 Staff 1240-4-3-.08 Equipment for Children 1240-4-3-.09 Program 1240-4-3-.10 Health and Safety 1240-4-3-.11 Food 1240-4-3-.12 Physical Facilities 1240-4-3-.13 Transportation 1240-4-3-.14 Extended Care Administration 1240-4-3-.15 Care of Children with Special Needs 1240-4-3-.16 Sick Child Care	William B. Russell General Counsel Citizens Plaza Bldg 15th Fl 400 Deaderick St Nashville TN 37248-0006 (615) 313-4731	Sept 3, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-28	June 19, 2006	1720 The University of Tennessee <i>UT Chattanooga</i>	Proposed Rules	Amendments	<i>1720-2-5</i> <i>Student Code</i> 1720-2-5-.01 Jurisdiction 1720-2-5-.02 Regulations Governing Student Conduct 1720-2-5-.03 Investigations of Student Conduct 1720-2-5-.04 Due Process and Student Rights 1720-2-5-.05 Student Conduct Hearing Procedures 1720-2-5-.06 Disciplinary Actions and Penalties 1720-2-5-.07 Appeals 1720-2-5-.08 Parking Appeals 1720-2-5-.09 Composition of Student Parking Appeals Board 1720-2-5-.10 Emergency Situations 1720-2-5-.11 Withdrawal or Temporary Suspension Due to Physical or Psychological Illness	Ronald C. Leadbetter University of Tennessee 719 Andy Holt Tower Knoxville TN 37996-0170 (865) 974-3247	Oct 27, 2006
06-29	June 20, 2006	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	Amendment	<i>Chapter 1660-1-8</i> Rules and Regulations of Hunts 1660-1-8-.03 Permit Requirements - Wildlife Management areas, Refuges and Other Agency Controlled lands,	Sheryl Holtam TWRA P.O. Box 40747 Nashville TN 37204 (615) 781-6606	Sept 3, 2006
06-31	June 23, 2006	0880 Medical Examiners Committee on Physician Assistants	Rulemaking Hearing Rules	Amendment	<i>Chapter 0880-3</i> <i>General Rules and Regulations Governing the Practice of a Physician Assistant</i> 0880-3-.02 Scope of Practice 0880-3-.15 Disciplinary Grounds, Actions, and Civil Penalties 0880-3-.19 Committee Members, Officers, Consultants, Records and Declaratory Orders 0880-3-.21 Prescription Writing <i>Chapter 0880-10</i> <i>General Rules and Regulations Governing the Practice of an Orthopedic Physician Assistant</i> 0880-10-.15 Disciplinary Grounds, Actions, and Civil Penalties 0880-10-.19 Committee Members, Officers, Consultants, Records and Declaratory Orders	Robert J. Kraemer, Jr., Associate General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120, (615) 741-1611	Sept 6, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-33	June 26, 2006	0400 Environment and Conservation Solid Waste Management	Rulemaking Hearing Rules	Amendments	<p><i>Chapter 1200-1-11 Hazardous Waste Management</i></p> <p>1200-1-11-.01 Hazardous Waste Management System: General [40 CFR 260]</p> <p>1200-1-11-.02 Identification and Listing of Hazardous Waste [40 CFR 261]</p> <p>1200-1-11-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Wastes [40 CFR 261]</p> <p>1200-1-11-.04 Requirements Applicable to Transfer Facilities, and Permit Requirements and Standards Applicable to Transporters of Hazardous Waste [40 CFR 263]</p> <p>1200-1-11-.05 Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment, Storage, and Disposal Facilities [40 CFR 265]</p> <p>1200-1-11-.06 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities [40 CFR 264]</p> <p>1200-1-11-.07 Permitting of Hazardous Waste Treatment, Storage, and Disposal Facilities</p> <p>1200-1-11-.08 Fee System for Transporters, Stors, Treators, Disposers, and Certain Generators of Hazardous Wastes and for Certain Used Oil Facilities or Transporters</p> <p>1200-1-11-.09 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities [40 CFR 266]</p> <p>1200-1-11-.10 Land Disposal Restrictions [40 CFR 268]</p> <p>1200-1-11-.11 Standards for the Management of Used Oil [40 CFR 279]</p> <p>1200-1-11-.12 Standards for Universal Waste Management [40 CFR 273]</p>	Gerald Ingram Solid Waster Management 5th fl L&C Twr 401 Church St Nashville Tn 37243-1535 615-532-0850	Sept 9, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-34	June 26, 2006	0400 Environment and Conservation Division of Remediation	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites 23-501	Robert L. Powell Division of Remediation 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	Sept 9, 2006
06-35	June 26, 2006	0400 Environment and Conservation Division of Remediation	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites 47-573	Robert L. Powell Division of Remediation 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	Sept 9, 2006
06-39	June 29, 2006	0400 Environment and Conservation Division of Remediation	Notice of Rulemaking Hearing	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Site Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites	Robert L. Powell Division of Remediation 4th Fl Annex, L & C Bldg Nashville, TN 37243-1538 (615)532-0916	Hearing date: Aug 16, 2006
06-40	June 30, 2006	0940 Department Of Mental Health and Developmental Disabilities -	State Register Notice			Cynthia Clark Tyler OCG Mental Health and Developmental Disabilities 3d Fl Cordell Hull Bldg 425 5th Ave N Nashville, Tennessee 37243	n/a
06-44	June 30, 2006	0620 Finance and Administration Bureau of TennCare	Notice of Rulemaking Hearing	Amendments	1200-13-1-.06 Provider Reimbursement	George Woods Bureau of TennCare 310 Great Circle Road Nashville, TN 37243 (615) 507-6446	Hearing date: Aug 16, 2006
06-45	June 30, 2006	0400 Environment and Conservation Air Pollution Control	Proposed Rules	Amendment	<i>Chapter 1200-3-26 Administrative Fees Schedule</i> 1200-3-26-.02 Construction And Annual Emission Fees	Lacey J. Hardin, Air Pollution Control 9th Fl L & C Twr 401 Church St Nashville TN 37243 615-532-0554	October 27, 2006

ANNOUNCEMENTS

SEQ. NO.	DATE FILED	DEPARTMENT AND DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-46	June 30, 2006	0400 Environment and Conservation Air Pollution Control	Proposed Rules	Amendment	<i>Chapter 1200-3-31 Case by Case Determinations of Hazardous Air Pollutant Control Requirements</i> 1200-3-31-.02 Definitions	Lacey J. Hardin, Air Pollution Control 9th Fl L & C Twr 401 Church St Nashville TN 37243 615-532-0554	October 27, 2006
04-47	June 30, 2006	0800 Labor and Workforce Development Prevailing Wage Commission	Rulemaking Hearing Rules	Amendments	<i>Chapter 0800-3-2 Prevailing Wage Commission Rules</i> 0800-3-2-.01 Definitions 0800-3-2-.02 Classification of Covered Workers 0800-3-2-.05 Regulations for Contractors and Contracts	Sydné Ewell Labor and Workforce Development Andrew Johnson Twr 2nd Fl 710 James Robertson Pkwy Nashville TN 37243 615-741-4356	Sept 13, 2006
04-48	June 30, 2006	1700 Treasury	Proposed Rules	New Rules	<i>Chapter 1700-6 Small and Minority-Owned Business Assistance Program</i> 1700-6-1-.01 In General 1700-6-1-.02 Definitions 1700-6-1-.03 Administration of the Program 1700-6-1-.04 Program Administrator 1700-6-1-.05 Allocation of Funds 1700-6-1-.06 Referral Preference 1700-6-1-.07 Accountability 1700-6-1-.08 Authority Over Program Fund 1700-6-1-.09 Loan Program 1700-6-1-.10 Qualified Organization 1700-6-1-.11 Criteria for Loans to Qualifying Businesses 1700-6-1-.12 Conflicts of Interest 1700-6-1-.13 Program Services	Mary Krause General Counsel 10th Fl A Jackson Bldg Nashville TN 37243 (615) 741-7063	October 27, 2006

ANNOUNCEMENTS

TENNESSEE HEALTH SERVICES AND DEVELOPMENT AGENCY - 0720

NOTICE OF BEGINNING OF REVIEW CYCLE

Visit the Tennessee Health Services and Development Agency web site at: http://www.tennessee.gov/hsda/health_plan_agency_meet.html for the latest Notice of Beginning of Review Cycle.

ANNOUNCEMENTS

DEPARTMENT OF LABOR - 0800

PETITION FOR RULEMAKING HEARING

TN Department of Labor & Workforce Development
Workers' Compensation Division
2nd Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville TN 37243-0661

Office of the Secretary of State
State of Tennessee
Publications Division
312 8th Ave. North
8th Floor, Snodgrass/Tennessee Tower
Nashville TN 37243

RE: Petition for Rulemaking Hearing

Dear Commissioner Neely and Secretary Darnell:

Comes the Tennessee Medical Association, a volunteer association of over 7000 members, and hereby requests that a rulemaking hearing be conducted regarding proposed amendments to the Tennessee Department of Labor and Workforce Development rules Chapter 0800-2-18, Medical Fee Schedule. The notice of proposed amendments was published in the May 15, 2006 Tennessee Administrative Register. Vanderbilt University represents that it also joins in this Petition.

Thank you for your attention to this matter.

Sincerely,

Randall L. Holcomb, M.D.
Chairman, TMA Workers' Compensation Task Force
2301 21st Avenue South
POB 120909
Nashville TN 37212-0909
615-385-2100
Fax: 615-383-5918
Website: www.medwire.org

This petition was filed in the Secretary of State's office on June 7, 2006. The Jackson Clinic Professional Association and the Tennessee Group Practice Coalition also presented petitions on June 14, 2006.

ANNOUNCEMENTS

DEPARTMENT OF MENTAL HEALTH - 0940

STATE REGISTER NOTICE

Pursuant to the provisions of the Community Mental Health Center Cooperation Act of 1998, T.C.A. §33-2-701 et seq., (the “Act”) the Tennessee Department of Mental Health and Developmental Disabilities (“TDMHDD”) announces the filing of an Application for a Certificate of Public Advantage (“COPA” or “Application”).

The applicants are all nonprofit community mental health centers located in Tennessee, namely: Centerstone Community Mental Health Centers, Inc. (“Centerstone”); Vanderbilt Community Mental Health Center; the Mental Health Cooperative; Volunteer Behavioral Health Care System, Inc.; Clarksville Family Guidance Center; LifeCare Family Services; Park Center, Inc.; Foundations Associates; Ridgeview Psychiatric Hospital and Community Mental Health Center; and Peninsula, a division of Parkwest Medical Center (Peninsula Behavioral Health) (collectively referred to as the “CMHC Applicants”). The application seeks a COPA to allow Centerstone senior management and directors who serve on the board of directors of Advantage Behavioral Health (“Advantage”) to oversee provider agreement negotiations between Advantage and the CMHC Applicants, subject to implementation of the safeguards described in the application. “Advantage” is a nonprofit subsidiary of Centerstone, one of the COPA Applicants, and has been organized with the intent to operate a managed behavioral health care business for TennCare enrollees in one or more Grand Regions of Tennessee.

In accordance with Tennessee Administrative Rules 0940-3-10-.01, et seq., an “Intervenor” (as defined in Tennessee Administrative Rule 0940-3-10-.02(9)) may submit within fifteen (15) days of publication of this notice written comments to TDMHDD concerning the “Application”, mailing the comments to the address listed below. Within thirty (30) days of publication of this notice either the “Applicant” or the “Intervenor” may request in writing a public hearing on the “Application”. Written comments on the “Application” and/or a written request for a public hearing on the “Application” should be sent to Cynthia Clark Tyler, Director, Office of Legal Counsel, Tennessee Department of Mental Health and Developmental Disabilities, 3rd Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, Tennessee 37243.

This Announcement is placed in the Tennessee Administrative Register for purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

ANNOUNCEMENTS

DEPARTMENT OF REVENUE - 1320

NOTICE OF DETERMINATION OF INTEREST RATE

Pursuant to T.C.A. Section 67-1-801(a)(1) through (3), notice is hereby given that the rate of interest on all taxes collected or administered by the Department of Revenue shall be twelve percent (12.00%) effective on or after July 1, 2006, through June 30, 2007.

Loren L. Chumley
Commissioner of Revenue

NOTICE OF DETERMINATION OF INTEREST RATE FOR INSTALLMENT PAYMENTS

Pursuant to T.C.A. Section 67-1-801(a)(4)(D), notice is hereby given that the rate of interest on all tax liabilities paid in installments by agreement with the Commissioner of Revenue shall be fourteen percent (14.00%) effective on or after July 1, 2006, through June 30, 2007.

Loren L. Chumley
Commissioner of Revenue

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

For text of emergency rules filed prior to June, 2006 see T.A.R. cited,

<http://www.state.tn.us/sos/pub/tar/index.htm>

or

visit the Department of State's website,

http://www.state.tn.us/sos/rules/emergency/emergency_index.htm

- 0080 - Department of Agriculture - Division of Regulatory Services - Emergency rules amending standards for biodiesel and biodiesel blends conveyed for consumption in Tennessee, Chapter 0080-5-12 Kerosene and Motor Fuels Quality Inspection Regulations, 5 T.A.R., Volume 32, Number 5 (May 15, 2006). Filed April 27, 2006; effective through October 9, 2006. (04-33)
- 0800 - Department of Labor - Division of Workers' Compensation - Emergency Rules amending the medical fee schedule and related system, Chapter 0800-2-18 Medical Fee Schedule, 5 T.A.R., Volume 32, Number 5 (May 15, 2006). Filed April 27, 2006; effective through October 9, 2006. (04-29)
- 0800 - Department of Labor - Division of Workers' Compensation - Emergency Rule amending 0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges), Chapter 0800-2-18 Medical Fee Schedule, 5 T.A.R., Volume 32, Number 5 (May 15, 2006). Filed April 27, 2006; effective through October 9, 2006. (04-31)
- 1340 - Department of Safety - Division of Driver License Issuance - Emergency rules covering procedures for the issuance of certificates for driving, Chapter 1340-1-13 Classified and Commercial Drivers Licenses and Certificates for Driving, 4 T.A.R., Volume 32, Number 4 (April 13, 2006). Filed March 22, 2006; effective through September 3, 2006. (03-34)

PROPOSED RULES

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400 DIVISION OF AIR POLLUTION CONTROL

CHAPTER 1200-3-26 ADMINISTRATIVE FEES SCHEDULE

Presented herein is a proposed amendment of the Administrative Fees Schedule of the Tennessee Department of Environment and Conservation submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Environment and Conservation to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531 and in the Department of State, 312 8th Avenue North, 8th Floor William Snodgrass Tower, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Mrs. Lacey J. Hardin, Assistant Director, Division of Air Pollution Control, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, telephone 615-532-0554.

The text of the proposed amendment is as follows:

AMENDMENT

Part 12. of Subparagraph (i) of paragraph (2) of rule 1200-3-26-.02 Construction And Annual Emission Fees is amended by deleting the chemical Methyl Ethyl Ketone (MEK, 2-Butanone) (CAS No. 78-93-3) from the list of Hazardous Air Pollutants, so that as amended, the part shall read:

12. Each hazardous air pollutant listed below actually emitted or allowed to be emitted from a major source.

<u>CAS No.</u>	<u>Chemical name</u>
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate(DEHP)
542881	Bis(chloromethyl) ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloracetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethylbenzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl Chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Hepotachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Arochlors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide compounds ¹
0	Glycol ethers ²
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium Compounds

The proposed amendment set out herein was properly filed in the Department of State on the 30th day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006. (06-45)

¹ X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂

² Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n - OR' where
n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH₂)_n - OH, Polymers are excluded from the glycol category.

³ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

PROPOSED RULES

- ⁴ Includes organic compounds with more than or equal to 100°C which have a boiling point greater than or equal to 100°C
- ⁵ A type of atom which spontaneously undergoes radioactive decay.

PROPOSED RULES

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400 DIVISION OF AIR POLLUTION CONTROL

CHAPTER 1200-3-31 CASE BY CASE DETERMINATIONS OF HAZARDOUS AIR POLLUTANT CONTROL REQUIREMENTS

Presented herein is a proposed amendment of the Case by Case Determinations of Hazardous Air Pollutant Control Requirements of the Tennessee Department of Environment and Conservation submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Environment and Conservation to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531 and in the Department of State, 312 8th Avenue North, 8th Floor William Snodgrass Tower, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty- five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Mrs. Lacey J. Hardin, Assistant Director, Division of Air Pollution Control, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, telephone 615-532-0554.

The text of the proposed amendment is as follows:

AMENDMENT

Paragraph (6) of rule 1200-3-31-.02 Definitions is amended by deleting the chemical Methyl Ethyl Ketone (MEK, 2-Butanone) (CAS No. 78-93-3) from the list of Hazardous Air Pollutants, so that as amended the paragraph shall read:

(6) "Hazardous Air Pollutant" - means any of the following air contaminants:

<u>CAS No.</u>	<u>Chemical name</u>
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate(DEHP)
542881	Bis(chloromethyl) ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichloro benzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl Chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichlorethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Arochlors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate

PROPOSED RULES

<u>CAS No.</u>	<u>Chemical name</u>
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide compounds ¹
0	Glycol ethers ²
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium Compounds

The proposed amendment set out herein was properly filed in the Department of State on the 30th day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006. (06-46)

-
- ¹ X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂
- ² Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n - OR' where
n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH₂)_n - OH, Polymers are excluded from the glycol category.
- ³ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
- ⁴ Includes organic compounds with more than or equal to 100°C which have a boiling point greater than or equal to 100°C
- ⁵ A type of atom which spontaneously undergoes radioactive decay.

PROPOSED RULES

DEPARTMENT OF HEALTH - 1200 DIVISION OF HEALTH RELATED BOARDS

CHAPTER 1200-10-2 GENERAL RULES AND REGULATIONS GOVERNING THE PRACTICE OF REFLEXOLOGY

Presented herein is an amendment and a new rule of the Department of Health, Division of Health Related Boards submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Health, Division of Health Related Boards, to promulgate the amendment and the new rule without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment and new rule is published. Such petition to be effective must be filed in the office of the Division of Health Related Boards on the First Floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, Tennessee 37247-1010 and in the Administrative Procedures Division of the Department of State, Eighth Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rule amendment and new rule, or submitted by a municipality which will be affected by the rule amendment and new rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

The text of the proposed amendment and new rule is as follows:

AMENDMENT

Rule 1200-10-2-.05, Registration Renewal and Reinstatement, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) Reinstatement of an Expired or Retired Registration
 - (a) Reinstatement of a registration that has expired may be accomplished upon payment of all past due renewal fees, all past due state regulatory fees, and the late renewal fee, pursuant to Rule 1200-10-2-.06.
 - (b) Reinstatement of a registration that has been retired may be accomplished upon payment of the biennial renewal fee and the biennial state regulatory fee, pursuant to Rule 1200-10-2-.06.

Authority: T.C.A. §§ 4-3-1011, 4-5-202, 63-30-110, and 63-30-112.

Rule 1200-10-2-.07, Registration Discipline and Advisory Rulings, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (7), so that as amended, the new catchline and the new paragraph (7) shall read:

PROPOSED RULES

1200-10-2-.07, REGISTRATION DISCIPLINE, ADVISORY RULINGS, AND SCREENING PANELS.

- (7) Screening Panels – The screening panel process shall be governed by Rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended.

Authority: T.C.A. §§ 4-5-202, 63-1-138, 63-30-111, and 63-30-112.

NEW RULE

TABLE OF CONTENTS

1200-10-2-.08 Advertising

1200-10-2-.08 ADVERTISING.

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning reflexology, the importance of the interests affected by the choice of a reflexologist and the foreseeable consequences of unrestricted advertising by reflexologists which is recognized to pose special possibilities for deception, require that special care be taken by reflexologists to avoid misleading the public. The reflexologist must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by reflexologists is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Definitions
- (a) Advertisement. Informational communication to the public in any manner designed to attract public attention to the practice of a reflexologist who is registered to practice in Tennessee.
- (b) Registrant - Any person holding a registration to practice reflexology in the State of Tennessee. Where applicable this shall include partnerships and/or corporations.
- (c) Material Fact - Any fact which an ordinary reasonable and prudent person would need to know or rely upon in order to make an informed decision concerning the choice of practitioners to serve his or her particular needs.
- (d) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (e) Discounted Fee - Shall mean a fee offered or charged by a person for a product or service that is less than the fee the person or organization usually offers or charges for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee".

PROPOSED RULES

(3) Advertising Fees and Services

- (a) Fixed Fees - Fixed fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professional recognized components within generally accepted standards that are required to complete the service.
- (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
- (c) Discount Fees. Discount fees may be advertised if:
 - 1. The discount fee is in fact lower than the registrant's customary or usual fee charged for the service; and
 - 2. The registrant provides the same quality and components of service and material at the discounted fee that are normally provided at the regular, non-discounted fee for that service.
- (d) Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.
- (e) Time Period of Advertised Fees.
 - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
 - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.

(4) Advertising Content. The following acts or omissions in the context of advertisement by any reflexologist shall constitute unethical and unprofessional conduct, and subject the registrant to disciplinary action pursuant to T.C.A. § 63-30-111.

- (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one registrant is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
- (b) The misleading use of an unearned or non-health degree in any advertisement.
- (c) Promotion of professional services which the registrant knows or should know are beyond the registrant's ability to perform.
- (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.

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- (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
- (f) The use of any personal testimonial attesting to a quality or competency of a service or treatment offered by a registrant that is not reasonably verifiable.
- (g) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the registrant can achieve.
- (h) The communication of personal identifiable facts, data, or information about a client without first obtaining client consent.
- (i) Any misrepresentation of a material fact.
- (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
- (k) Statements concerning the benefits or other attributes of procedures or products that involve significant risks without including:
 - 1. A realistic assessment of the safety and efficiency of those procedures or products; and
 - 2. The availability of alternatives; and
 - 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
- (l) Any communication which creates an unjustified expectation concerning the potential results of any treatment.
- (m) Failure to comply with the rules governing advertisement of fees and services, or advertising records.
- (n) The use of "bait and switch" advertisements. Where the circumstances indicate "bait and switch" advertising, the Division may require the registrant to furnish data or other evidence pertaining to those sales at the advertised fee as well as other sales.
- (o) Misrepresentation of a registrant's credentials, training, experience, or ability.
- (p) Failure to include the corporation, partnership or individual registrant's name, address, and telephone number in any advertisement. Any corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all registrants practicing at a particular location shall:
 - 1. Upon request provide a list of all registrants practicing at that location; and
 - 2. Maintain and conspicuously display at the registrant's office, a directory listing all registrants practicing at that location.

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- (q) Failure to disclose the fact of giving compensation or anything of value to representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
 - (r) After thirty (30) days of the registrant's departure, the use of the name of any registrant formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
 - (s) Stating or implying that a certain registrant provides all services when any such services are performed by another registrant.
 - (t) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client in connection with the performance of professional services.
- (5) Advertising Records and Responsibility
- (a) Each registrant who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed, certified, registered, or otherwise authorized professional employees acting as an agent of such firm or entity.
 - (b) Any and all advertisements are presumed to have been approved by the registrant named therein.
 - (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the registrant for a period of two (2) years from the last date of broadcast or publication and be made available for review upon request by the Division or its designee.
 - (d) At the time any type of advertisement is placed, the registrant must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public communication.
- (6) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

PROPOSED RULES

Authority: *T.C.A. §§ 4-5-202, 63-1-145, 63-30-107, 63-30-108, 63-30-111, and 63-30-112. al Counsel,*

The proposed rules set out herein were properly filed in the Department of State on the 1st day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006. (06-01)

PROPOSED RULES

THE TENNESSEE DEPARTMENT OF TREASURY - 1700

CHAPTER 1700-6 SMALL AND MINORITY-OWNED BUSINESS ASSISTANCE PROGRAM

Presented herein are proposed rules of the Tennessee Department of Treasury submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed in the Treasury Department, State Treasurer's Office on the 1st Floor of the State Capitol located at 600 Charlotte Avenue, Nashville, Tennessee 37243, and in the Department of State, 8th Floor, Tennessee Tower, William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rules, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed rules, contact: Mary Krause, General Counsel, Tennessee Treasury Department; 10th Floor, Andrew Jackson State Office Building; Nashville, Tennessee 37243; (615) 741-7063.

The text of the proposed rules is as follows:

NEW RULES

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1700-6-1-.01	In General
1700-6-1-.02	Definitions
1700-6-1-.03	Administration of the Program
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1700-6-1-.06	Referral Preference
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1700-6-1-.08	Authority Over Program Fund
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1700-6-1-.01 IN GENERAL.

- (1) Purpose. Chapter 830 of the Tennessee Public Acts of 2004 created within the Tennessee Treasury Department the Small and Minority-Owned Business Assistance Program. By rule, the Department is to develop an assistance program for small and minority-owned businesses, as defined in §65-5-112, which may include loans, technical assistance and services, and

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consulting and educational services. The Program is funded from the Small and Minority-Owned Business Assistance Program Fund. It is the legislative intent that the Department use the assistance provided by this program to support outreach to new, expanding, and existing businesses in Tennessee that do not have reasonable access to capital markets and traditional commercial lending facilities.

Authority: *T.C.A. §§ 65-5-113, and 65-5-112.*

1700-6-1-.02 DEFINITIONS. The following definitions shall apply to these rules:

- (1) "Act" means Chapter 830 of the Tennessee Public Acts of 2004.
- (2) "Applicant" means a Qualifying Business that has filed an Application for Program Assistance.
- (3) "Application" means the form required of an Applicant for Program Assistance, which requests a Loan, and/or Program Services.
- (4) "Department" means the Tennessee Treasury Department.
- (5) "Gross Receipts" means the annual total revenue exclusive of deductions.
- (6) "Ineligible Business" means a church, non-profit organization, insurance company, real estate contractor, real estate developer, night club and any similar entertainment-oriented business, a business that does not create or provide jobs, and a business not incorporated or located in Tennessee.
- (7) "Loan" means a loan for a specific Project for which the Applicant has requested Program Assistance. The following shall be considered acceptable purposes for which a Loan may be made under the Loan Program: acquisition of machinery and equipment; working capital; supplies and materials; inventory; and other business-related activity as approved by the Program Administrator. A line of credit shall be considered a Loan under the Program. Lending for the acquisition of real estate shall be excluded from the Program.
- (8) "Minority-Owned Business" means a business that is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of such business, and who is impeded from normal entry into the economic mainstream because of race, religion, sex, or national origin. Any business certified as a minority-owned business from the Governor's Office of Diversity Business Enterprise or the United States Small Business Administration shall be considered a minority-owned business for purposes of the Program. Certification from other recognized entities such as Minority Purchasing Councils and Airport Authorities may be acceptable at the discretion of the Program Administrator.
- (9) "Program" means the Small and Minority-Owned Business Assistance Program created by the Act. The Program includes the following components: Loans, and Program Services.

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- (10) "Program Administrator" means the organization selected pursuant to Rule 1700-6-1-.04 below to administer the Program.
- (11) "Program Assistance" means Loans, and Program Services as described in these Rules.
- (12) "Program Fund" means the Small and Minority-Owned Business Assistance Program Fund created by the Act.
- (13) "Program Services" mean services that include, but are not limited to, technical assistance, education and consulting services provided under the Program to Qualifying Businesses that may or may not be making Application for a Loan. The Program Administrator shall be responsible for providing Program Services to Qualifying Businesses except that Program Services under the Loan Program shall be provided pursuant to Rule 1700-6-1-.13 below.
- (14) "Project" means the business activity as proposed by the Applicant in the Application and the approved purpose of the Loan. Loans will only be made on behalf of Applicants for Loans that initially finance a Project. The refinancing of any existing debt shall not be considered eligible for a Loan.
- (15) "Qualifying Business" means a sole proprietorship, a partnership, a limited liability partnership, a limited liability corporation, or any other incorporated entity which satisfies the following definitions under these Rules: is not an Ineligible Business; is either a Small Business or a Minority-Owned Business; is eligible to do business in Tennessee; and is located in and maintains operations in Tennessee at the time Program Services are requested and for the term that Program Services are provided. A material change in any of the foregoing qualifications may be cause for denial or revocation of any Program Assistance.
- (16) "Qualified Organization" means an organization whose central purpose is economic development. Such organizations specifically include, but are not limited to, organizations qualified as Community Development Entities by the United States Treasury Department and organizations licensed and regulated by the Federal Small Business Administration as a 301(d) Small Business Investment Company, also known as a Specialized Small Business Investment Company.
- (17) "Reasonable Access" means, unless otherwise indicated, a Minority-Owned Business meeting the criteria of a Qualifying Business shall be considered not to have reasonable access to capital markets and traditional commercial lending facilities.
- (18) "Small Business" means a Qualifying Business with annual gross receipts of less than four million dollars (\$4,000,000).
- (19) "Treasurer" means the Tennessee State Treasurer.

Authority: T.C.A. § § 65-5-113, and 65-5-112.

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1700-6-1-.03 ADMINISTRATION OF THE PROGRAM.

- (1) In General. The Program shall be administered by a Program Administrator. The Program's general approach to each area of Program Assistance is as follows:
 - (a) Loans. The Program will loan funds at below market rates to selected Qualified Organizations. Qualified Organizations shall be responsible for originating and servicing loans and for referring Qualifying Businesses to the Program Administrator for needed Program Services.
 - (b) Program Services. The Program Administrator will develop a network of service providers to support Qualifying Businesses seeking Program Assistance.

Authority: T.C.A. § 65-5-113.

1700-6-1-.04 PROGRAM ADMINISTRATOR.

- (1) In General. The Program shall be administered by an organization selected through a competitive procurement process. The specific terms of administration shall be contained within a contract executed by the selected organization and the Department.
- (2) Selection. The procurement process shall be based on the evaluation of proposals submitted. At a minimum, the organization selected shall have a demonstrated knowledge and experience of at least three years in providing and/or coordinating the types of program assistance to the Qualifying Businesses as envisioned under the Program.
- (3) General Duties. The general duties of the Program Administrator shall include, but shall not be limited to, the following:
 - (a) Loan Program. The Program Administrator shall assist the Department with the selection of Qualified Organizations to whom Program Funds will be loaned for re-lending to Qualifying Businesses.
 - (b) Program Services. The Program Administrator shall coordinate the selection of entities to provide Program Services to Qualifying Businesses.
 - (c) Marketing. The Program Administrator shall coordinate all marketing efforts of the Program. At the request of the Department of Economic and Community Development and the Governor's Office of Diversity Enterprise, the Program Administrator shall provide information relative to the Program.
- (4) Reporting. As specified in the contract, the Program Administrator shall report to the Department, which has the ultimate responsibility and authority over the Program.

Authority: T.C.A. § 65-5-113.

PROPOSED RULES

1700-6-1-.05 ALLOCATION OF FUNDS.

- (1) Intent. It is the intent that the Program be designed with consideration of fair distribution of Program Assistance. To effectuate this intent, Program Assistance is to be fairly distributed among the geographic divisions of the State, with a maximum of forty percent (40%) of such assistance allocated to any grand division. For purposes of this provision, loans to Qualified Organizations shall be included within the grand division where the Qualified Organization maintains its principal office.

Authority: T.C.A. § 65-5-113.

1700-6-1-.06 REFERRAL PREFERENCE.

- (1) A Qualifying Business referred to the Program Administrator or to a Qualified Organization from the Department of Economic and Community Development or the Governor's Office of Diversity Enterprise shall be given the highest priority for Program Funds available for Loans, and Program Services.

Authority: T.C.A. § 65-5-113.

1700-6-1-.07 ACCOUNTABILITY.

- (1) The Department shall annually summarize Program activities in a report to the General Assembly. Such report shall also include the financial statements of the Program.

Authority: T.C.A. § 65-5-113.

1700-6-1-.08 AUTHORITY OVER PROGRAM FUND.

- (1) The Program Fund shall be retained as a segregated account in the State Treasury.
- (2) With regard to Loan Guarantees in existence prior to the effective date of these Rules, a reserve shall be created in the Program Fund to support outstanding Loan Guarantees. This reserve shall equal one hundred percent (100%) of outstanding Loans Guarantees.

Authority: T.C.A. § 65-5-113.

1700-6-1-.09 LOAN PROGRAM.

- (1) In General. The Program will loan funds at no cost to selected Qualified Organizations. Qualified Organizations shall be responsible for originating and servicing loans, and for coordinating with the Program Administrator for needed Program Services to Qualifying Businesses receiving loans from such organizations. Selected Qualified Organizations may retain the interest rate earnings to finance their cost for operations and to earn a profit. Qualified Organizations shall be competitively selected, with no more than two (2) organizations selected for each grand division of the State. In making a determination of the number

PROPOSED RULES

of Qualified Organizations to be selected, primary consideration will be given to assure that geographic coverage is sufficient to service the Program.

- (2) As principal and interest is repaid to a Qualified Organization, the principal amount may be retained by the Qualified Organization to be used for new loans to other Qualifying Businesses, provided the Qualified Organization adheres to Program requirements.
- (3) Loan Conditions of Program to Qualified Organizations.
 - (a) Interest Rate. The Program shall lend Program Funds to selected Qualified Organizations at no interest cost.
 - (b) Loan Amount. The maximum amount available to be loaned to a Qualified Organization for the purpose of being loaned to Qualifying Businesses shall be established in the contract between the Department and the Qualified Organization.
 - (c) Term. Loans to Qualified Organizations shall be for a term of ten (10) years and shall be renewable for additional five (5) year terms, at the option of the Treasurer.
 - (d) Funds Drawdown. Selected Qualified Organizations may initially draw down \$300,000 for making loans to Qualifying Businesses. After the initial draw down, a Qualified Organization may draw down blocks of \$100,000 or more to replenish loans made to Qualifying Businesses until the maximum amount available pursuant to the contract is received. Replenishment shall be net of loans made to Qualifying Businesses and the receipt of repayment of loan principal by Qualifying Businesses.
 - (e) Repayment of Loans to Program Fund. The repayment of loan principal may be deferred until the end of the loan term. In the event of a loan default by a Qualifying Business, upon presentation of proof by the Qualified Organization of diligent attempts for collection to the Program Administrator, the Qualified Organization may be released from repayment of the loan to the Program. Efforts shall include attempts to collect collateral and assets acquired by Program Funds.
 - (f) Loan Review. Loans made with Program Funds are subject to quality assurance reviews by the persons designated by the Department. Qualified Organizations shall cooperate with such reviews.
- (4) In furtherance of the legislative intent that the Program serve businesses in Tennessee that do not have reasonable access to capital markets and traditional commercial lending facilities, it is acknowledged that loan losses will occur. It is expected that the loan losses will exceed industry standards.

Authority: T.C.A. § 65-5-113.

PROPOSED RULES

1700-6-1-.10 QUALIFIED ORGANIZATION.

- (1) The Qualified Organization shall use Program Funds to make Loans to Qualifying Businesses for the purpose of starting and expanding their businesses. The Program Administrator shall disburse the funds to Qualified Organizations across all areas of the State of Tennessee, thereby expanding opportunities for Qualifying Businesses throughout Tennessee.
- (2) Selection of Qualified Organizations.
 - (a) Process. The Program Administrator shall assist the Department with the selection of Qualified Organizations. Such selection shall be a competitive process. Factors to be considered in such selection shall include, but are not limited to:
 1. Qualifications. Selected organizations must have individuals who have demonstrated qualifications in lending activities.
 2. Experience. Selected organizations should reflect a history of lending activities of the type envisioned for the Program. Organizations should be able to demonstrate their track record of originating loans to Qualifying Businesses and the level of success in repayment of such loans.
 3. Loan Servicing. Selected organizations must have a demonstrated ability and history of successfully servicing loans of the type envisioned for the Program.
 4. Commitment to adhere to Program Requirements. Selected organizations must indicate a commitment and ability to comply with the Program intent and requirements, including reporting.
 5. Underwriting practices. Selected Qualified Organizations shall utilize underwriting practices based upon the need of the Program's target group (small and minority-owned businesses). Based on the intent of the Program, traditional underwriting practices may not address needs of this target group.
 - (b) Match Preferred. In selecting Qualified Organizations, preference shall be given to organizations that are able to match funding provided through the Program.
 - (c) The specific responsibilities and requirements of the Qualified Organization shall be contained within the contract executed by the selected organization and the Department.
- (3) Reporting.
 - (a) Qualified Organizations. Each selected Qualified Organization shall provide a monthly written report to the Program Administrator as specified in the contract. The report may contain summary information on the amount of funds disbursed during the period, the amount of interest and principal repaid during the period, and the balance of the Program Fund's loan with such organization. The report may also list the companies or individuals receiving loans with Program Funds along with, for each company, the original principal amount, the remaining principal owed, the monthly payment amount broken down into principal and interest, the current payment due date, the amount

PROPOSED RULES

and date of the last payment, and such other information as the Program Administrator deems necessary. The report may also contain a listing, along with appropriate data, of companies or individuals that have principal or interest payments in arrears, as well as other comparable information that may be approved by the Department.

- (b) Program Administrator. The Program Administrator shall provide a monthly written report to the Department, which summarizes the activities of each Qualified Organization, including totals for all organizations combined. Within such report, the Program Administrator shall identify any instances of non-compliance with Program requirements or contractual provisions. The Program Administrator shall report other information that may be requested by the Department.

Authority: T.C.A. § 65-5-113.

1700-6-1-.11 CRITERIA FOR LOANS TO QUALIFYING BUSINESSES.

- (1) When evaluating Applications for Loans, the Qualified Organizations shall follow prudent lending practices. The following additional criteria shall apply:
 - (a) Maximum Loan Amount. The maximum Loan amount shall be one hundred twenty-five thousand dollars (\$125,000).
 - (b) Loan Interest Rate. The interest rate that may be charged on Loans made with Program Funds may be a fixed rate or a variable rate, provided that any such variable interest rate shall not exceed the maximum rate.
 - (c) Maximum Loan Interest Rate. The maximum interest rate that may be charged on Loans made with Program Funds is 2% over the "Prime Rate" as published in the Wall Street Journal on the day the Loan is made.
 - (d) Minimum Loan Interest Rate. The minimum interest rate that may be charged on Loans made with Program Funds is 2% below the "Prime Rate" as published in the Wall Street Journal on the day the Loan is made.
 - (e) Fees. Late charges, as permitted by Tennessee law, may be imposed. Other fees, including an Application fee, may be imposed provided such fees are not unreasonable.
 - (f) Term. The recommended repayment periods for Loans are as follows:
 - 1. or equipment, the lesser of five (5) years or useful life;
 - 2. For working capital, supplies, and inventory, three (3) years; and
 - 3. For other business-related activity, the lesser of five (5) years or useful life.
 - (g) Collateral and Security. Both business and personal collateral may be taken as security for a Loan and may include real property, tangible personal property, accounts receivable, certificates of deposit, and other intangibles. However, to the extent possible, assets acquired with Loan proceeds shall be used to secure the Loan.

PROPOSED RULES

- (h) **Guaranty Agreement.** Personal guarantees from all principal owners shall be obtained. Principal owners are those who have a twenty percent (20%) or more ownership interest in the company.
- (i) **Change of Ownership.** If at any time during the term of the Loan the Qualifying Business ceases to be used to provide services, or the Qualifying Business sells, ceases to own, assigns, transfers, or otherwise disposes of all or any part of the Qualifying Business, it is the responsibility of the Qualifying Business to notify the Qualified Organization prior to the change of ownership. The Qualified Organization shall take such action as it deems appropriate in accordance with provisions of the Loan documents.
- (j) **Title Insurance.** The Qualified Organization may require the Applicant to provide a Loan Policy of Title Insurance (i) issued by a title insurance company, (ii) for an amount equal to the maximum principal amount of the Loan, (iii) insuring the Program, (iv) evidencing that on the date of closing, interests in the property on or in which the Qualifying Business is located, as well as any properties offered as collateral, are vested in the appropriate party, and (v) containing only standard exceptions and encumbrances approved by the Qualified Organization. The Qualified Organization may require the title insurance policy to be accompanied by a survey and title to the property and showing that there are no easements or encroachments upon or other matters pertaining to the property, except those deemed acceptable to the Qualified Organization. In Applications where the Qualifying Business is to be housed in a leased facility, the Qualified Organization may require the Applicant to provide a fully executed lease agreement.
- (k) **Insurance.** The Qualified Organization may require the Applicant, owners, and/or key managers to obtain and assign to the Program life insurance in the amount of the Loan. The Qualified Organization may also require business interruption insurance, hazard and casualty insurance, flood insurance, homeowner's insurance, and other appropriate forms of insurance.
- (l) **Appraisals.** The Qualified Organization may require appraisals by qualified appraisers for each property offered as collateral for the Loan.
- (m) **Other.** The Qualified Organization may require environmental audits as well as other documents at its reasonable discretion.

Authority: T.C.A. § 65-5-113.

1700-6-1-.12 CONFLICTS OF INTEREST.

- (a) Participation in the Program by any member of the Department, employees of a Qualified Organization or the Program Administrator staff shall be governed by the provisions of T.C.A. §12-4-101 et seq.
- (b) No member of the Department, employees of a Qualified Organization or the Program Administrator staff shall be directly interested, as defined in T.C.A. § 12-4-101(a)(1), in any Qualifying Business for which the Qualified Organization is considering a Loan for the duration of his or her tenure.

PROPOSED RULES

- (c) Any member of the Department, employees of a Qualified Organization or the Program Administrator staff who is indirectly interested, as defined in T.C.A. §12-4-101(b), in any Qualifying Business for which the Qualified Organization is considering a Loan must disclose such interest in writing to the Department and shall refrain from participation in any discussion or activity in connection with such Application for a Loan. This disclosure shall be set forth in the official records held by the Qualified Organization.
- (d) Any violations of this Rule 1700-6-1-.12 shall be subject to the penalties specified in T.C.A. § 12-4-102.

Authority: T.C.A. §§ 65-5-113, 12-4-101, and 12-4-102.

1700-6-1-.13 PROGRAM SERVICES.

- (1) The Program shall also provide Program Services in the form of technical assistance, education and consulting services to Qualifying Businesses that may or may not be making Application for Loans under the Program. Program Services shall include, but shall not be limited to, financial counseling, assistance with the packaging of loan proposals, developing strategies for improved cash flow management, implementing internal financial management systems, and strategic planning, conducting pertinent training workshops and seminars, certifying Qualifying Businesses and identifying procurement opportunities with state, federal, and local government systems.
- (2) All providers of Program Services shall be selected on a competitive basis. Program service providers shall have a demonstrated record of providing assistance to small and minority-owned businesses.
- (3) General training and educational services funded through the Program shall be coordinated by the Program Administrator. Annually, the Program Administrator shall develop and submit to the Department for approval a proposed training program that includes, but is not limited to, strategic planning, and conducting pertinent training workshops and seminars. The proposal, which may be modified by the Department, shall include the budget required to fund the training program. Upon approval by the Department, the Program Administrator shall implement the program.
- (4) Service provided to specific Qualifying Businesses. Upon the request (application) of a Qualifying Business, the Program Administrator may refer such business to an appropriate program service provider. The Program will only be liable for services rendered pursuant to a referral from the Program Administrator. Once services are delivered, the service provider will invoice the Program Administrator who will invoice the Program for payment. To the extent possible, Qualifying Businesses shall agree to repay not less than fifty percent (50%) of the cost for receiving Program Services. This cost may be funded through the Loan Program.

Authority: T.C.A. § 65-5-113.

The proposed rules set out herein were properly filed in the Department of State on the 30th day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006. (06-48)

PROPOSED RULES

THE UNIVERSITY OF TENNESSEE - 1720 THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA

1720-2-2 STUDENT HOUSING REGULATIONS

Presented herein are proposed amendments of The University of Tennessee submitted pursuant to Tennessee Code Annotated, Section 4-5-202, in lieu of a rulemaking hearing. It is the intent of The University of Tennessee to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Room 719, Andy Holt Tower, The University of Tennessee, Knoxville, Tennessee 37996-0170, and in the Department of State, 8th Floor, William R. Snodgrass Tennessee Tower, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact Ronald C. Leadbetter, Associate General Counsel, The University of Tennessee, Office of General Counsel, 719 Andy Holt Tower, Knoxville, TN 37996-0170, telephone number (865) 974-3247.

The text of the proposed amendments is as follows:

AMENDMENTS

Chapter 1720-2-2 is amended by deleting the current language and substituting new language so that, as amended, the chapter shall read:

CHAPTER 1720-2-2 STUDENT CODE

TABLE OF CONTENTS

1720-2-2-.01	Residence Requirements
1720-2-2-.02	Differentiated Housing
1720-2-2-.03	Contractual Arrangements
1720-2-2-.04	Damage
1720-2-2-.05	Room Changes
1720-2-2-.06	Check Out
1720-2-2-.07	Inspection and Search Policy
1720-2-2-.08	Residence Hall Regulations

1720-2-2-.01 RESIDENCE REQUIREMENTS.

- (1) Single out-of-town students attending the University are expected to live in University housing when space is available unless they commute from their homes in nearby towns.
- (2) They may not live off campus when residence hall space is available without permission from the Housing Office.

PROPOSED RULES

1720-2-2-.02 DIFFERENTIATED HOUSING.

- (1) The concept of Differentiated Housing at The University of Tennessee at Chattanooga campus offers students, with parental involvement, the choice of the housing facility and living atmosphere in which he or she will live. The plans available are:
 - (a) TYPE A – Visitation privileges are allowed in the living-dining area from 12:00 noon until 12:00 midnight.
 - (b) TYPE B – This plan involves minimal rules, regulations, and supervision. This option is available to upper class students only.

1720-2-2-.03 CONTRACTUAL ARRANGEMENTS. Each resident student signs an individual contract with the University for the premises he/she will occupy. This agreement covers occupancy for the entire academic year unless specifically indicated otherwise on the contract itself. Any student who for any reason wishes to alter the terms of his/her contract, must apply in writing to the University Housing Office at least thirty days prior to the anticipated change. If the contract is modified, notification will be sent in writing to all parties concerned prior to the effective date of action. Unless written exception is granted by the University, he/she is liable for the full extent of the original statement.

1720-2-2-.04 DAMAGE.

- (1) The student is responsible for the condition and proper care of the accommodations assigned and shall reimburse the University for all damages done within or to said accommodations in which he/she is housed, for all damages to Resident Hall non-public areas, and all damage to, or loss of University fixtures, furnishings, or property furnished under the contract. Charges for damages and/or necessary cleaning will be assessed against the student, or students, by the University and must be paid promptly. Failure to pay assessment will result in a hold on a student's registration, graduation and/or transcript.
- (2) Non-public areas refer to the studies, lounges and restroom facilities, hallways and other areas of a floor of the residence hall which are provided primarily for the use of students having accommodations on that floor.

1720-2-2-.05 ROOM CHANGES.

- (1) The University expects students to continue residency in the room to which they are assigned. However, it realizes that changes are sometimes mutually beneficial.
- (2) Through regularly scheduled procedures, room changes may be made. A \$25.00 fee will be assessed any time a student is allowed to move. Failure to obtain the written prior approval of both the Resident Director and the Housing Office will result in a minimum \$25.00 assessment for administrative costs and also could result in the imposition of disciplinary sanctions.

PROPOSED RULES

1720-2-2-.06 CHECK OUT. When a student is assigned specific accommodations, the University assumes occupancy by that student until notified otherwise. When vacating the premises, either for another on-campus facility or to leave University housing it is the occupant's responsibility to check out in person with a staff member of the residence hall. At that time, an evaluation of the facility is made in the occupant's presence and a report is completed on deficiencies or damages for which the student is responsible. Failure to check out in the prescribed manner will result in the occupant's being held liable for any or all deficiencies or damages found, as well as for the cost to replace keys, locks or other such items that affect the appearance or security of the unit. He/she will also be assessed administrative costs incurred by this failure to check out.

1720-2-2-.07 INSPECTION AND SEARCH POLICY.

- (1) Entry by University authorities into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room or apartment by University authorities in order to ascertain the health and safety conditions in the areas, or to check the physical condition of the area, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the building itself.
 - (a) Inspection: Scheduled inspection by on-campus authorities with the exception of daily janitorial operations, shall be proceeded, if possible, by twenty-four hours notice to the residents.
 - (b) During the inspection, there will be no search of drawers or closets or personal belongings.
 - (c) Search: On-campus authorities will not enter a room for purposes of search except in compliance with state law or with the permission of the resident or the written permission of the Vice Chancellor for Student Development or his/her representative. University authorities shall have, if possible, the Resident Director of the hall or his/her designee accompany them on the search.
 - (d) For purposes of maintenance, and fire and safety evaluation, rooms will be inspected periodically by the University staff. Normally the resident assistant will be involved in this part of the program and will work out arrangements with the individual occupant beforehand.

1720-2-2-.08 RESIDENCE HALL REGULATIONS.

- (1) Telephone Services. Telephones have been installed in the rooms of all residence halls and apartments. Each phone may be reached directly from without the University as well as within it by merely dialing its assigned number. There is no additional charge for local service. However, long distance calls may be made or accepted collect only by those persons who have an official charge-card number from the UTC Telephone Services, or a private company or the Bell Telephone Company. No calls may be charged to the telephone number that is listed on the telephone instrument. No collect calls will be accepted and extensions are prohibited.

PROPOSED RULES

(2) Safety Prohibitions.

- (a) Percolators, hot plates, immersion heaters, and popcorn poppers are prohibited in dorm rooms.
- (b) No candles, open flames, or incense burning is allowed.
- (c) Light bulbs should not be touching or near clothing or other flammables.
- (d) Extension cords must be underwriter laboratory approved or equal. Covering must be in good condition. Plugs and cords must be the same size or larger than appliance wire and not hidden under rugs, trash, paper, clothing, or books, nor near heat sources.
- (e) Storage of gasoline, other fuels or vehicles containing them is prohibited.
- (f) Hot plates or other cooking equipment may not be used in dormitory rooms because of fire regulations and sanitary reasons.
- (g) Cooking in individual rooms is prohibited.

(3) Fire Drills. Each dormitory must have at least one fire drill per month. These are conducted so that each resident can vacate the building quickly and safely in case of emergency. The drills are planned and supervised by the Housing Office, the Security Office, and the Resident Directors. Anytime that the fire alarm is sounded in a University building every occupant of the building is required to evacuate immediately. The University police will assist with the evacuation to see that the building is totally vacated and no one will be allowed to re-enter prior to the expressed consent of the security officers on duty. Reports are filed with the offices concerned.

(4) Guests. Residents may have overnight guests of the same sex only, if prior arrangements have been made with roommate(s). The maximum length of any visit is three days and three nights. All guests are governed by the University and residence hall regulations, and it is the host's responsibility to make guests aware of this. In cases where the guest is in violation of University regulations, disciplinary action may be brought against the host.

(5) Alcohol and Drugs. The possession or use of alcoholic beverages, other illegal drugs or intoxicants of any kind is prohibited on campus.

(6) Pets. Only fish tanks no larger than 10 gallons are allowed. Otherwise, no animals are permitted.

(7) Weapons or Explosives, Fireworks. The possession of firearms, hunting knives, fireworks or other type of weapons and explosives is not allowed in the residence halls or on the University property.

(8) Keys. Misuse or loss of them may jeopardize the safety of others and constitutes grounds for disciplinary action. There is a charge for lost keys and other security measures that must be taken due to the loss of such keys.

PROPOSED RULES

- (9) Quiet Hours. If a student consistently violates Quiet Hours, he/she will be subject to disciplinary action.

Authority: T.C.A.. § 49-9-209(e).

The proposed rules set out herein were properly filed in the Department of State on the 19th day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006. (06-20)

PROPOSED RULES

THE UNIVERSITY OF TENNESSEE - 1720 THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA

Presented herein are proposed amendments of The University of Tennessee submitted pursuant to Tennessee Code Annotated, Section 4-5-202, in lieu of a rulemaking hearing. It is the intent of The University of Tennessee to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Room 719, Andy Holt Tower, The University of Tennessee, Knoxville, Tennessee 37996-0170, and in the Department of State, 8th Floor, William R. Snodgrass Tennessee Tower, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact Ronald C. Leadbetter, Associate General Counsel, The University of Tennessee, Office of General Counsel, 719 Andy Holt Tower, Knoxville, TN 37996-0170, telephone number (865) 974-3247.

The text of the proposed amendments is as follows:

AMENDMENTS

Chapter 1720-2-5 is amended by deleting the current language and substituting new language so that, as amended, the chapter shall read:

CHAPTER 1720-2-5 STUDENT CODE

TABLE OF CONTENTS

1720-2-5-.01	Jurisdiction
1720-2-5-.02	Regulations Governing Student Conduct
1720-2-5-.03	Investigations of Student Conduct
1720-2-5-.04	Due Process and Student Rights
1720-2-5-.05	Student Conduct Hearing Procedures
1720-2-5-.06	Disciplinary Actions and Penalties
1720-2-5-.07	Appeals
1720-2-5-.08	Parking Appeals
1720-2-5-.09	Composition of Student Parking Appeals Board
1720-2-5-.10	Emergency Situations
1720-2-5-.11	Withdrawal or Temporary Suspension Due to Physical or Psychological Illness

PROPOSED RULES

1720-2-5-.01 JURISDICTION.

- (1) The supervision of student discipline is delegated by the Chancellor to the Vice Chancellor for Student Development, and the Vice Chancellor for Student Development, may in turn, identify appropriate University officials to assist in this duty and/or to serve as University Hearing Officers.
- (2) The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects a member of the University Community. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.
- (3) Disputes between organizations (except in fraternity/sorority cases which may be within the jurisdiction of the appropriate Greek governing council and/or the Dean of Students office) shall be subject to the jurisdiction of the Vice Chancellor for Student Development or his or her designee.
- (4) The Vice Chancellor for Student Development or his or her designee shall have jurisdiction over disputes between individual students and organizations when such arbitration is requested by either of the parties involved.
- (5) The Honor Code applies to academic matters primarily, although its purpose has implications for all student conduct. The Honor Code regulates certain activities of all students and faculty members in any college or division of the University during all sessions.

1720-2-5-.02 REGULATIONS GOVERNING STUDENT CONDUCT.

- (1) All students violating Civil or Criminal Law, whether on University property or not, are answerable to civil or criminal authorities. In addition, students at the University will be responsible for abiding by the regulations governing student conduct. Specific violations are:
 - (a) Failure to adhere to the Honor Code Pledge.
 - (b) Forgery, alteration, destruction, falsification or misuse of University documents, records, or identification, or acting in a conspiracy or assisting others to perform or commit any of the aforementioned acts.
 - (c) Knowingly provide false information to the University or other similar forms of dishonesty in University-related affairs.
 - (d) Disruption, obstruction, or interruption of teaching, research, administration, conduct procedures or other University activities, including its public service functions, or other authorized University activities. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.

PROPOSED RULES

- (e) Threat or harassment of any person, or conduct which poses a clear and present danger to the health, safety or well-being of any person on University-owned or controlled property or at University supervised functions.
- (f) Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.
- (g) Vandalism, malicious destruction, damage, or misuse of private or public property, including library material.
- (h) Theft, misappropriation, unauthorized possession, sale, or damage to property belonging to the University, an organization affiliated with the University, a member of the University community, or a campus visitor.
- (i) Violations of properly constituted rules and regulations governing the use of motor vehicles on University-owned property.
- (j) Lewd, obscene, indecent, or disorderly conduct on University-owned or controlled property or at University-supervised functions.
- (k) Possession, while on University-owned or –controlled property or at University-supervised activity, of any weapon such as, but not limited to, rifles, shotguns, ammunition, handguns, air guns, explosives such as firecrackers, and bladed weapons, unless authorized by the Vice Chancellor for Student Development or his or her designee.
- (l) Unauthorized use of or entry into University facilities and/or unauthorized possession or duplication of keys to University facilities.
- (m) Use, possession, or being under the influence of alcoholic beverages on University-owned property.
- (n) Gambling on University-owned or –controlled property.
- (o) Unlawful use, manufacture, possession, distribution or dispensing of drugs or alcohol on University property or during University activities.
- (p) Failure to comply with the directions of any University official, acting in the normal discharge of their duties.
- (q) Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment except when done with real need for such equipment.
- (r) Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit

PROPOSED RULES

rape, violent or non-violent sexual offenses, murder, felonious assault, arson or any other felonious crime against person or property.

- (s) Unauthorized use or misuse of the University's computing facilities. This includes:
 - 1. Logging on an account without the knowledge and permission of the owner.
 - 2. Changing, deleting, and adding to the programs, files and data without authorization of the owner.
 - 3. Theft of program data and machine resources.
 - 4. Attempts to thwart security of the computer system(s).
 - 5. Attempts to disrupt the normal operations of the computer system(s), including hardware and software.
- (t) An attempt to commit or to be an accessory to the commission of any act in violation of the student code.
- (u) Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature, whether the student voluntarily participates or not. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.

1720-2-5-.03 INVESTIGATIONS OF STUDENT CONDUCT.

- (1) All University investigations shall be conducted in an ethical manner, keeping in mind the rights of students. The following regulations shall be strictly observed.
- (2) Inspection and Search Policy. Entry by University officials into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University officials in order to ascertain the health and safety conditions in the room, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the building itself.
 - (a) Inspection: Scheduled inspections by University officials, with the exception of daily janitorial and maintenance operations, shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.

PROPOSED RULES

- (b) Search: University officials will not enter a room for purposes of search except in compliance with state law or with the permission of the resident or the written permission of the Vice Chancellor for Student Development or his or her designee. University officials shall have, if possible, the Resident Director or his or her designee accompany them on the search.

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1720-2-5-.04 DUE PROCESS AND STUDENT RIGHTS.

- (1) Due process shall guarantee to the accused student the following:
 - (a) The right to be informed of charges in writing prior to the hearing.
 - (b) The right of reasonable time in which to prepare a defense.
 - (c) The right to a fair and just hearing.
 - (d) The right to challenge all charges and testimony used against the accused student and to question witnesses.
 - (e) The right to be informed in writing of:
 - 1. The final decision of his or her case.
 - 2. The proper procedure for appeal.
 - (f) The right to be accompanied by an advisor he or she chooses, at his or her own expense.
 - 1. The accused student is responsible for presenting his or her own information, and therefore, advisors are not to speak or participate directly in a University hearing.
 - 2. Students should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the University hearing.
 - 3. Delays will not normally be allowed due to the scheduling conflicts of an advisor.
- (2) Any student or student organization shall be formally charged in writing with the alleged offense. The date, time, and place of occurrence of the offense shall be stated on the statement of charges.
- (3) The Dean of Students office must keep accurate records of each hearing and the disposition of each case.

PROPOSED RULES

1720-2-5-.05 STUDENT CONDUCT HEARING PROCEDURES

- (1) Complaints.
 - (a) Any member of the University community may present a complaint to the Dean of Students office against a student for violations of the Student Code. Any complaint should be submitted as soon as possible after the event takes place. Any charge(s) shall be prepared in writing by the Dean of Students office.
 - (b) All charges shall be presented to the accused student in written form.
- (2) Hearing Options.
 - (a) An accused student desiring to contest the charge(s) against him or her must do so by requesting a hearing within five (5) days of his or her receipt of written notice of the charge(s).
 - (b) The accused student(s) may, at his or her option, request a hearing before a panel of individuals (Student Conduct Board) or by a University Hearing Officer selected by the Vice Chancellor for Student Development (or his or her designee). A hearing before a Student Conduct Board will be chaired by a University Hearing Officer similarly selected. Board members and hearing officers shall be impartial and anyone lacking such impartiality shall recuse him/herself or may be removed by the Vice Chancellor for Student Development upon request of any party to a University hearing.
 - (c) A requested hearing shall be scheduled promptly after receipt of the request.
 - (d) In the absence of a voluntary written waiver of the accused student's right to a hearing under the provisions of the Tennessee Uniform Administrative Procedures Act (T.C.A. § 4-5-108 et seq.), a requested hearing will be conducted in accordance with the University's APA hearing procedures and these procedures shall not apply.
- (3) Hearing Procedures – The Student Conduct Board or University Hearing Officer sitting alone will conduct the hearing within the following general guidelines:
 - (a) All University hearings shall be closed to the public.
 - (b) The accused student (and certain “victims” where permitted by law) and his or her advisor, if any, shall be allowed to attend the entire portion of the University Hearing at which information is received (excluding deliberations).
 - (c) Each party will be afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited.
 - (d) All procedural questions are determined by the University Hearing Officer.
 - (e) The Student Conduct Board or University Hearing Officer sitting alone will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply.

PROPOSED RULES

- (f) The University will have the burden of proving, by a preponderance of the evidence, the truth of the charge(s) at issue.
- (g) Following the conclusion of the University hearing, the Student Conduct Board or University Hearing Officer sitting alone will consider the evidence and present written findings.
- (h) An appropriate record will be made of the hearing procedures. Deliberations shall not be recorded. Defects in the record will not invalidate the proceedings.

1720-2-5-.06 DISCIPLINARY ACTIONS AND PENALTIES.

- (1) Disciplinary actions are taken and penalties are assigned by the Student Conduct Board or University Hearing Officer sitting alone on the basis of all attendant circumstances.
 - (a) The penalties which may be assessed for violation of the Student Code are:
 - 1. Loss of Privilege. This penalty may involve loss of scholarship, stipend, right to participate in certain extracurricular activities, etc.
 - 2. Educational Sanction.
 - 3. Housing Probation. Housing probation means a student is permitted to remain in University housing on a probationary status.
 - 4. Disciplinary Reprimand. Disciplinary reprimands are used for minor infractions or misconduct where it is evident the misconduct occurred with knowledge and awareness of the University regulations. Reprimands are given to students in either verbal or written form. Any specific conditions on the student's behavior or activities may be described in a personal letter to the student.
 - 5. Disciplinary Probation. Disciplinary probation means that a student is permitted to remain in the University with a probationary status. Should a violation of regulations occur during probation, the student is normally suspended. Any specific conditions are described in a personal letter to the student.
 - 6. Suspension. Suspension is used in cases of serious misconduct, or violation of probation, and means that the student is required to cancel his registration and is not eligible to apply for readmission for a designated period of time. Suspension may be indefinite or for a specified time, and a suspension may be deferred pending good behavior. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member.)
 - 7. Dismissal. Dismissal is used when the misconduct is serious enough to warrant the decision that the student is not to return to the University.
 - (b) The following sanctions may be imposed upon groups or organizations:
 - 1. Those sanctions listed above in sections 1., 2., 5., 6.

PROPOSED RULES

2. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.

1720-2-5-.07 APPEALS.

- (1) Decisions of the Student Conduct Board or University Hearing Officer sitting alone may be appealed to the Vice Chancellor for Student Development by delivering a signed statement containing:
 - (a) A statement that he/she appeals the decision;
 - (b) A brief statement of grounds of appeal. The appeal must be submitted within five (5) business days of receiving written notification of the decision.
- (2) The Vice Chancellor may:
 - (a) Uphold the decision
 - (b) Amend the decision
 - (c) Return case for reconsideration
 - (d) Overturn decision
- (3) Either Party may appeal to the Chancellor of the University.

1720-2-5-.08 PARKING APPEALS. Appeals of student parking tickets are reviewed by the Student Parking Appeals Board. Decisions concerning the appeals are based on a majority vote of the Board.

1720-2-5-.09 COMPOSITION OF STUDENT PARKING APPEALS BOARD.

- (1) The Student Parking Appeals Board shall be composed of six student members plus a Chair and six alternates. Two students will be appointed by the Student Senate from the general student body. Two students will be appointed by the faculty, one appointed by the President of SGA, and one appointed by the Office of Student Development. Each appointing body shall also appoint the alternates. An alternate will serve when a regular member cannot be present or when a member is excused for reasons such as personal friendship with the principals.
- (2) All members must have a 2.00 cumulative grade point average and be enrolled as full time students and not be on any form of probation.
- (3) The Chair will be elected by the Board and votes in case of tie.
- (4) A temporary chair will be elected by the members of the board in the event:
 - (a) The Chair is a party to the case.
 - (b) The Chair is absent.

PROPOSED RULES

- (c) The Chair removes himself from the case.
- (5) Once appointed, students remain on the Student Parking Appeals Board until they terminate at the University, cease to be eligible to serve, or resign voluntarily.

1720-2-5-.10 EMERGENCY SITUATIONS.

When in the opinion of the Chancellor, conditions are such that there exists a clear and immediate danger to the physical safety or well-being of the members of the University community or safety of University property, he or she may direct that the accused student or organization be suspended pending initiation (and completion) of normal disciplinary proceedings provided those procedures are offered as soon as can reasonably be accomplished. The Chancellor may delegate this authority to the Vice Chancellor for Student Development.

1720-2-5-.11 WITHDRAWAL OR TEMPORARY SUSPENSION DUE TO PHYSICAL OR PSYCHOLOGICAL ILLNESS.

- (1) When a student is unable to pursue his or her academic work effectively, or when his or her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to, among other things, the use of alcohol, drugs, or other psychologically incapacitating illnesses or conditions, he or she may be withdrawn or temporarily suspended from the University as hereinafter provided.
 - (a) **Withdrawal.** A student may be withdrawn from the University only after an evaluation of his or her mental, physical condition, or behavior by a panel of at least three persons appointed by the Vice Chancellor for Student Development. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. He or she shall enjoy the rights of normal due process procedures. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Development who will notify the student in writing of his or her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Development.
 - (b) **Grades.** When a student is suspended or withdrawn from the University for reasons described in this section, he or she will be assigned a grade of "W".
 - (c) **Committee Composition and Hearing.** The panel referred to herein will include at least one member of the faculty at large and representative of the Counseling Center or a psychologist. The Dean of Students or his or her designee would normally have responsibility for preparing the charges and presenting the case. The student in question would have the right to normal due process provisions.
- (2) **Temporary Suspension.** Whenever a student, because of his or her mental or physical condition, is unable to pursue his or her academic work effectively, or is disruptive to educational processes or constitutes a danger to persons or property, he or she may be suspended from the University for a reasonable period of time by the Vice Chancellor for Student Development. The University will then schedule a hearing within 5 class days of the beginning of the suspension. If the University does not withdraw the student after the hearing, he or she may return to the University at the end of the suspension period.

PROPOSED RULES

Authority: T. C. A. § 49-9-209(e).

The proposed rules set out herein were properly filed in the Department of State on the 22nd day of June, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 27th day of October, 2006. (06-28)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT

For text of public necessity rules see T.A.R. cited at
<http://www.state.tn.us/sos/pub/tar/index.htm>

or

the Department of State's website at
http://www.state.tn.us/sos/rules/necessity/nec_index.htm

- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules allowing for a Presumptive Eligibility process that will provide short term temporary and limited eligibility to persons who are likely to qualify for regular institutional Medicaid eligibility pursuant to DHS Rule 1240-3-3-.02(9) and provide them with home services that will keep them out of nursing homes at no financial risk to the person, chapter 1200-13-1 General Rules, 2 T.A.R. (February 2006) - Filed January 30, 2006; effective through July 14, 2006. (01-38)
- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules regarding process for review and certification, chapter 1200-13-13, TennCare Medicaid, 4 T.A.R. (April 2006) - Filed March 3, 2006; effective through August 15, 2006. (03-01)
- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules regarding Severely and/or Persistently Mentally Ill persons, chapter 1200-13-13, TennCare Medicaid, 4 T.A.R. (April 2006) - Filed March 13, 2006; effective through August 25, 2006. (03-08)
- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules regarding Severely and/or Persistently Mentally Ill persons, chapter 1200-13-14, TennCare Medicaid, 4 T.A.R. (April 2006) - Filed March 13, 2006; effective through August 25, 2006. (03-09)
- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules necessary to conform the Bureau of TennCare's rules to comply with state and federal statutory requirements and to comport with the requirements of *John B. v. Menke*, chapter 1200-13-13, TennCare Medicaid, 5 T.A.R. (May 2006) - Filed May 3, 2006; effective through October 15, 2006. (05-01)
- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules required to conform the current TennCare Medicaid rules to reflect changes resulting from court orders, chapter 1200-13-13, TennCare Medicaid, 5 T.A.R. (May 2006) - Filed May 17, 2006; effective through October 29, 2006. (05-11)
- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules necessary to conform the Bureau of TennCare's rules to comply with state and federal statutory requirements and to comport with the requirements of *John B. v. Menke*, 5 T.A.R. (May 2006) - Filed May 3, 2006; effective through October 15, 2006. (05-02)

PUBLIC NECESSITY RULES

- 0620 - Department of Finance and Administration - Bureau of TennCare - Public Necessity Rules required to conform the current TennCare Medicaid rules to reflect changes resulting from court orders, chapter 1200-13-14, TennCare Medicaid, 5 T.A.R. (May 2006) - Filed May 17, 2006; effective through October 29, 2006. (05-12)
- 1200 - Department of Health - Community Services Division - Public Necessity Rules required by federal law and state law regarding changes required to be made to the Department's rules pertaining to Conrad J-1 Visa Waiver physicians, chapter 1200-20-11, Rules and Regulations Governing the State Conrad J-i Visa Waiver Program, 5 T.A.R. (May 2006) - Filed May 19, 2006; effective through October 31, 2006. (05-15)
- 0780 - Department of Commerce and Insurance - Division of Regulatory Boards - Public Necessity Rules promulgated in accordance with the "Tennessee Home Inspector License Act of 2005", chapter 0780-5-12 Home Inspectors, 5 T.A.R. (May 15, 2006) - Filed April 7, 2006, 2006; effective through September 19, 2006. (04-05)

RULEMAKING HEARINGS

DEPARTMENT OF COMMERCE AND INSURANCE - 0780 INSURANCE DIVISION

There will be a hearing before the Insurance Division of the Department of Commerce and Insurance ("Division") to consider the promulgation of rules. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in Conference Room A of the Davy Crockett Tower located at 500 James Robertson Parkway, Nashville, Tennessee 37243 at 9:00 a.m. CST on the 17th day of August, 2006.

Any individuals with disabilities who wish to participate in these proceedings should contact the Division to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243 and (615) 741-6500.

For a copy of this notice of rulemaking hearing contact: Tracey Gentry Harney, Staff Attorney, Office of Legal Counsel, Department of Commerce and Insurance, Davy Crockett Tower, Twelfth Floor, Nashville, Tennessee 37243, and (615) 741-2199.

CHAPTER 0780-1-84 MEDICAL AND PROFESSIONAL MALPRACTICE CLAIMS AND EXPENSES REPORTING

AMENDMENTS

Chapter 0780-1-84 Medical and Professional Malpractice Claims and Expenses Reporting is amended by deleting the chapter in its entirety and substituting the following language so that, as amended, the chapter shall read:

CHAPTER 0780-1-84 MEDICAL AND PROFESSIONAL MALPRACTICE CLAIMS AND EXPENSES REPORTING

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0780-1-84-.01 PURPOSE AND SCOPE.

The following rules developed by the Department of Commerce and Insurance govern the reporting of medical or professional malpractice claims and expenses. The purpose of this Chapter is to facilitate the reporting required by T.C.A. § 56-54-101.

Authority: T.C.A. § 56-54-101.

0780-1-84-.02 DEFINITIONS.

- (1) "Chiropractor" means an individual licensed pursuant to Title 63, Chapter 4.
- (2) "Clinical Pastoral Counselor" means an individual certified pursuant to Title 63, Chapter 22, Part 2.
- (3) "Closed Claims" means claims that have been paid pursuant to a settlement or judgment, including, claims that were settled or adjudicated with the condition of open medical treatment to the claimant.
- (4) "Commissioner" means the Commissioner of the Department of Commerce and Insurance.
- (5) "Dentist" means an individual licensed pursuant to Title 63, Chapter 5.
- (6) "Department" means the Tennessee Department of Commerce and Insurance.
- (7) "Licensed Clinical Social Worker" means an individual licensed pursuant to Title 63, Chapter 23.
- (8) "Marital and Family Therapist" means an individual licensed pursuant to Title 63, Chapter 22, Part 1.
- (9) "Medical or Osteopathic Physician" means an individual licensed pursuant to Title 63, Chapter 6 or Chapter 9.
- (10) "Nurse Practitioner" means an individual that holds a certificate of fitness issued pursuant to Title 63, Chapter 7, Section 123.
- (11) "Optometrist" means an individual licensed pursuant to Title 63, Chapter 8.
- (12) "Pending Claims" means claims that have not been paid pursuant to a settlement or judgment but have been made known to the reporting entity either by a lawsuit or some other manner.
- (13) "Person" means an individual or business entity.
- (14) "Pharmacist" means an individual licensed pursuant to Title 63, Chapter 10.
- (15) "Physician Assistant" means an individual licensed pursuant to Title 63, Chapter 19.
- (16) "Podiatrist" means an individual licensed pursuant to Title 63, Chapter 3.

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(17) "Professional Counselor" means an individual licensed pursuant to Title 63, Chapter 22, Part 1.

(18) "Reporting entity" means the following:

- (a) Every insurance company or risk retention group providing medical malpractice insurance or professional liability insurance to a Tennessee health care institution licensed under Title 68.
- (b) Every insurance company or risk retention group providing medical malpractice insurance or professional liability insurance to any of the following:
 - 1. Podiatrists;
 - 2. Chiropractors;
 - 3. Dentists;
 - 4. Medical and Osteopathic Physicians;
 - 5. Nurse Practitioners;
 - 6. Optometrists;
 - 7. Psychologists;
 - 8. Pharmacists;
 - 9. Physician Assistants;
 - 10. Professional Counselors;
 - 11. Marital and Family Therapists;
 - 12. Clinical Pastoral Counselors; and
 - 13. Licensed Clinical Social Workers.
- (c) Every health care institution licensed pursuant to Title 68 or professional listed in this Rule, except the state and those employed by the state, who does not maintain professional liability insurance.
- (d) Counsel for claimants, who are required to submit information as required by T.C.A. § 56-54-101, for the purposes of levying civil penalties pursuant to 0780-1-84-.06.

Authority: T.C.A. § 56-54-101.

0780-1-84-.03 ANNUAL CLAIMS DATA SUBMISSION REQUIREMENT.

- (1) All reporting entities, with the exception of those enumerated in 0780-1-84-.02(18)(d) shall individually submit to the Commissioner by April 1 of every year, a claims data file containing

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all information required by this Chapter for medical or professional malpractice claims and expenses for the period of January 1 through December 31 of the preceding year. Additionally, all reporting entities shall separately list the total from the inception date of any filed claim those damages and defense expenses found in subparagraphs (k) and (l) of Paragraph (3) this Rule.

- (2) The claims data file shall be comprised of two (2) data sheets—the Closed Claims Sheet and the Pending Claims Sheet, as set forth and explained in more detail in Appendix A.
- (3) Each claims data file sheet shall contain the following data as set forth and explained in more detail in Appendix A listed by type of provider and indication of specialty, if any:
 - (a) The name of the entity submitting the information required by T.C.A. § 56-54-101 and this Chapter;
 - (b) The address of the entity submitting the information required by T.C.A. § 56-54-101 and this Chapter;
 - (c) The name, telephone number and electronic mail address of a contact person for the entity submitting the information required by T.C.A. § 56-54-101 and this Chapter;
 - (d) Claim number for each individual and unique claim;
 - (e) Type of health care institution or professional (and specialty, if applicable);
 - (f) License number of health care institution or professional;
 - (g) Date of occurrence of the event that resulted in a medical or professional malpractice claim being filed;
 - (h) Claimant's social security number, to the extent that the claimant's social security number is available to the reporting entity;
 - (i) The damages asserted by the claimant listed separately as follows:
 1. Damages asserted by the claimant other than amounts asserted by a lawsuit; and
 2. Damages asserted by the claimant through a lawsuit; if damages are asserted by the claimant through a lawsuit, the date of the filing of the lawsuit;
 - (j) The amounts paid on claims listed separately as follows:
 1. Amounts paid by the reporting entity to settle a claim; and
 2. Amounts paid by the reporting entity pursuant to a judgment;
 - (k) The amounts paid on claims shall be listed separately by the following types of damages:
 1. Compensatory damages;
 2. Non-economic damages; and

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3. Punitive damages;
- (l) The amounts paid on claims shall be listed separately by the following types of legal expenses:
 1. Amounts paid to attorneys for defense counsel, excluding amounts paid for expert witness fees, court costs, deposition costs, and other costs;
 2. Amounts paid for expert witness fees;
 3. Amounts paid in court costs;
 4. Amounts paid in deposition costs; and
 5. Amounts paid in connection with other legal expenses not previously identified;
- (m) The name of the attorney(s) representing the claimant for those claims on which amounts were paid to the claimant and reported under subparagraph (j) of Paragraph (3).
- (4) The second and subsequent reports filed by April 1 of each year pursuant to this Chapter by each reporting entity shall also contain information identifying those claims that are subject to settlement or judgment which were contained in a prior report as a pending claim.
- (5) Any column left blank by the reporting entity will be assumed to be “not applicable” if any information other than that requiring currency data, and if currency data is required, will be assumed to be zero (0).
- (6) The information submitted under subparagraphs (a) through (c) of Paragraph (3) of this Rule will not be included in the annual report prepared for the Speaker of the Senate and the Speaker of the House of Representatives and will be kept confidential by the Commissioner.

Authority: T.C.A. § 56-54-101.

0780-1-84-.04 REPORTING REQUIREMENTS FOR COUNSEL FOR CLAIMANTS.

Counsel for claimants asserting claims covered by T.C.A. § 56-54-101 shall provide information about fee arrangements with claimants to the Department. Such information shall include the following:

- (1) The name of the attorney submitting the information required by T.C.A. § 56-54-101 and this Chapter;
- (2) The address of the attorney submitting the information required by T.C.A. § 56-54-101 and this Chapter;
- (3) The name, telephone number and electronic mail address of the attorney submitting the information required by T.C.A. § 56-54-101 and this Chapter;
- (4) Claim number for each individual and unique claim;
- (5) Date of occurrence of the event that resulted in a medical or professional malpractice claim being filed;

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- (6) Claimant's social security number, to the extent that the claimant's social security number is available to the attorney; and
- (7) The portion of any settlement or judgment received by claimant's counsel for each individual and unique claim number.
- (8) The information submitted under Paragraphs (1) through (3) of this Rule will not be included in the annual report prepared for Speaker of the Senate and the Speaker of the House of Representatives and will be kept confidential by the Commissioner.

Authority: T.C.A. § 56-54-101.

0780-1-84-.05 FORMAT FOR SUBMITTED DATA.

- (1) All data submitted to the Commissioner on the claims data file shall be submitted on a Compact Disk or three-and-one-half inch (3.5") computer data disk in the form created by the Commissioner. All data submitted to the Commissioner from counsel for claimants shall be submitted on a form adopted by the Commissioner.
- (2) All data located in columns shall be in alpha-numeric format unless otherwise stated. When using numeric data, only regular decimal formats will be acceptable. No compressed or binary (small integer or large integer) data will be accepted as valid.
- (3) All date data shall be Gregorian USA format with a four (4) digit year (MM/DD/YYYY). This means a two (2) digit month (with leading zeros when necessary), a slash (/), a two (2) digit day (with leading zeros when necessary), a slash (/), and a four (4) digit year.
- (4) Social Security Number data shall be presented in the following format: the first, second and third characters must be numerals, the fourth character must be a hyphen (-), the fifth and sixth characters must be numerals, the seventh character must be a hyphen (-), and the eighth, ninth, tenth and eleventh characters must be numerals.
- (5) License number data shall be presented in the format of the entire license number expressed numerically without any other characters [e.g.—hyphens (-)] or spaces within the license number.
- (6) All currency data shall be in units of U.S. dollars rounded to the nearest whole dollar amount. Leading zeros and the dollars signs are not necessary but may be used so long as the currency fields are consistent.

Authority: T.C.A. § 56-54-101.

0780-1-84-.06 PENALTY.

Any reporting entity that fails to comply with the provisions of this Chapter shall be subject to a civil penalty of one hundred dollars (\$100) per day.

Authority: T.C.A. § 56-54-101.

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APPENDIX A

SPREADSHEET NAME, FIELD REQUIREMENT OR COLUMN HEADING	DESCRIPTION OF DATA SOUGHT	TECHNICAL FORMATTING OF DATA SOUGHT
Pending Claims Spreadsheet	This should contain information for pending claims that have been asserted through a lawsuit or by other means. This should not include information on claims that have been paid pursuant to a settlement or judgment.	
Closed Claims Spreadsheet	This should contain information for claims that have been paid pursuant to a settlement or judgment, including claims that were settled or adjudicated with the condition of open medical treatment for the claimant.	
Entity Name	This should be the name of the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in alpha-numeric format and reflect the name of the entity as found in the entity's licensure materials (e.g.— insurance company's certificate of authority).
Entity Address 1	This should be the address of the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in alpha-numeric format and reflect the home office address of the entity.
Entity Address 2	This field may be used if the address of the entity is more than one (1) line, but may be left blank if the address of the entity is only one (1) line.	Data shall be in alpha-numeric format and reflect the home office address of the entity.
Entity Address City	This should be the address city of the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in alpha-numeric format and reflect the home office address city of the entity.
Entity Address State	This should be the address state of the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in alpha-numeric format and reflect the home office address state of the entity. The address state shall be two (2) capitalized characters conforming to the United States Postal Service's state abbreviations conventions.

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Entity Address ZIP Code	This should be the address ZIP Code of the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in numeric format and reflect the home office address zip code of the entity. This field shall be presented as a five (5) digit numeral. If applicable, the five (5) digit zip code may be followed by the United States Postal Service's "+4" code, in which case the sixth character must be a plus sign (+), with the seventh, eighth, ninth and tenth characters being numerals.
Entity Contact Person	This should be the name of a contact person representing the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in alpha-numeric format, with the first name of the contact person stated first, followed by a space, followed by the last name of the contact person.
Entity Contact Telephone Number	This should be the telephone number of a contact person representing the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter.	Data shall be in alpha-numeric format. The first three (3) characters must be the area code. The fourth character must be a hyphen. The fifth, sixth, and seventh characters must be the three (3) digit prefix that follows the area code. The eighth character must be a hyphen. The ninth, tenth, eleventh, and twelfth characters must be the last four (4) digits of the phone number. If there is an extension that should be entered, an "x" or an "X" shall be placed in the thirteenth position followed immediately by the extension number with a maximum of six (6) alpha-numeric characters.
Entity Contact Electronic Mail Address	This should be the electronic mail address of a contact person representing the entity submitting the information required by Tenn. Code Ann. § 56-54-101 and this Chapter	Data shall be in alpha-numeric format and reflect the full electronic mail address of the entity contact person.
Claim Number	This should be the number used to identify each individual and unique claim.	Data shall be in alpha-numeric format and as found in the reporting entity's records.

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Type of Health Care Professional	This should list the type of health care professional against whom the claim was made.	Data shall be chosen from a listing of health care professional options found on the Commissioner's form.
Health Care Professional Specialty (if applicable)	This should list the medical specialty of the health care professional against whom the claim was made.	Data shall be chosen from a listing of health care professional specialty options found on the Commissioner's form.
License Number	This should be the health care institution or provider's license or certificate number.	Data shall be presented in the format of the entire license number expressed numerically without any other characters [e.g.—hyphens (-)] or spaces within the license number.
Date of Occurrence	This should be the date on which the incident arose that gave rise to the medical or professional malpractice claim.	Data shall be in Gregorian USA format with a four (4) digit year (MM/DD/YYYY). This means a two (2) digit month (with leading zeros when necessary), a slash (/), a two (2) digit day (with leading zeros when necessary), a slash (/), and a four (4) digit year.
Claimant's Social Security Number	This should be the Social Security Number held by the person making the claim.	Data shall be presented in the following format: the first, second and third characters must be numerals, the fourth character must be a hyphen (-), the fifth and sixth characters must be numerals, the seventh character must be a hyphen (-), and the eighth, ninth, tenth and eleventh characters must be numerals. (XXX-XX-XXXX)
Asserted Damages (other than set forth in lawsuit)	This should include an amount that has been asserted against a reporting entity in a manner other than by filing a lawsuit.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount. If data is entered in this column, no data should be entered in the column titled "Damages Claimed by Lawsuit".

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Damages Claimed by Lawsuit	This should include the amount of damages asserted against a reporting entity in a lawsuit.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount. If data is entered in this column, no data should be entered in the column titled "Asserted Damages (other than set forth in lawsuit)".
Date of the Filing of a Lawsuit	This should be the date that any lawsuit was filed asserting damages against a reporting entity.	Data shall be in Gregorian USA format with a four (4) digit year (MM/DD/YYYY). This means a two (2) digit month (with leading zeros when necessary), a slash (/), a two (2) digit day (with leading zeros when necessary), a slash (/), and a four (4) digit year. Data should be entered in this column only if data is also entered in the column titled "Damages Claimed by Lawsuit".
Amount Paid by Settlement	This should include the total amount paid pursuant to a settlement between the reporting entity and the claimant.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount. If data is entered in this column, no data should be entered in the column titled "Amount Paid by Judgment".
Amount Paid by Judgment	This should include the total amount paid pursuant to a judgment against the reporting entity.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount. If data is entered in this column, no data should be entered in the column titled "Amount Paid by Settlement".
Compensatory Damages Paid	This should include the amount of settlement or judgment that was identified as compensatory damages.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Non-Economic Damages Paid	This should include the amount of settlement or judgment that was identified as non-economic damages.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.

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Punitive Damages Paid	This should include the amount of settlement or judgment that was identified as punitive damages.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Attorney Fees Paid to Defense Counsel	This should include the amount that was paid to defend the medical or professional malpractice claim. This should not include the expense related to expert witness fees, court costs, deposition costs, and other legal expenses.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Expert Witness Fees	This should include the expert witness fees that were expended by the reporting entity.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Court Costs	This should include the court costs that were expended by the reporting entity.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Deposition Cost	This should include the deposition costs that were expended by the reporting entity.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Other Legal Fees	This should include any other legal fees not specifically identified that were expended by the reporting entity.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
Total Legal Expenses	This should include the legal fees that were expended by the reporting entity, including the claimant's attorneys fees.	Data shall be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount. Data in this column must equal the sum of "Attorney Fees Paid to Defense Counsel", "Portion of Settlement or Judgment Received by Claimant's Counsel", "Expert Witness Fees", "Court Costs", "Deposition Costs" and "Other Legal Fees".
Name of Attorney Representing the Claimant	This should name the attorney(s) representing the claimant and who received attorneys fees from representing the claimant.	Data shall be in alpha-numeric format, with the first name of the attorney stated first, followed by a space, followed by the last name of the attorney.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2006. (06-43)

RULEMAKING HEARINGS

BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES - 1370 COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

There will be a hearing before the Tennessee Board of Communications Disorders and Sciences' Council for Licensing Hearing Instrument Specialists to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, and 63-17-203. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 3:30 p.m. (CDT) on the 17th day of August, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, Nashville, TN 37243-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1370-2-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (g), (3) (g), and (4) (g) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (g), (3) (g), and (4) (g) shall read:

- (1) (g) An applicant shall submit with his application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.
- (3) (g) An applicant shall submit with his application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.
- (4) (g) An applicant shall submit with his application a "passport" style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-203, 63-17-207, and 63-17-208.

RULEMAKING HEARINGS

Rule 1370-2-.06, Fees, is amended by deleting subparagraph (1) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (c) shall read:

- (1) (c) Examination (and Retake) Fee – A fee to be paid prior to each time an examination, or any component of an examination, is taken or retaken. The Examination (and Retake) Fee is nonrefundable if the examination, or any component of an examination, is taken or retaken. If the Examination (and Retake) Fee is paid but the examination or examination component(s) are not taken or retaken, the Examination (and Retake) Fee, except for twenty-five dollars (\$25.00), shall be refunded if the applicant submits a refund request within thirty (30) days from when the examination that the applicant was scheduled to take was administered.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-201, 63-17-203, and 63-17-210.

Rule 1370-2-.09, Renewal of License, is amended by deleting part (2) (b) 5. in its entirety.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-203, 63-17-214, and 63-17-216.

Rule 1370-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Assessment of Costs and Subpoenas, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1) (a) in its entirety and renumbering the remaining subparagraphs accordingly, and is further amended by deleting paragraph (6) in its entirety and substituting instead the following language, so that as amended, the new catchline and the new paragraph (6) shall read:

- (6) The Council authorizes the member who chaired the Council for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-17-105, 63-17-203, and 63-17-219.

The notice of rulemaking set out herein was properly filed in the Department of State on the 23rd day of June, 2006. (06-30)

RULEMAKING HEARINGS

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400 DIVISION OF REMEDIATION

There will be a hearing conducted by the Division of Remediation on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendment of rules pursuant to T.C.A. Sections 68-212-203 and 68-212-215. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place at the Unicoi County Courthouse, Courtroom, 100 North Main Street, Erwin, TN 37650-0169 on August 16, 2006, at 6:00 p.m. Individuals with disabilities who wish to participate should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten (10) days prior to the hearing date to allow time to provide such aid or services. Contact: Tennessee Department of Environment and Conservation, ADA Coordinator, 7th Floor Annex, 401 Church Street, Nashville, TN 37248, (615)532-0059. Hearing impaired callers may use the Tennessee Relay Service, (1-800-848-0298)

SUBSTANCE OF PROPOSED RULES

CHAPTER 1200-1-13 HAZARDOUS SUBSTANCE SITE REMEDIAL ACTION

AMENDMENTS

Rule 1200-1-13-.13 List of Inactive Hazardous Substance Sites is amended by deleting the following site to the list, such deletion being made in a manner so that the entire list remains in numerical order:

<u>Site Number</u>	<u>Site Name</u>
	Unicoi County (86)
86-506	General Metal Fabricators Erwin, TN

Authority: T.C.A. § 68-212-206(e) and § 68-212-215(e).

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of June, 2006. (06-39)

RULEMAKING HEARINGS

TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION - 0620 BUREAU OF TENNCARE

There will be a hearing before the Commissioner to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated, 71-5-105 and 71-5-109. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act Tennessee Code Annotated, Section 4-5-204 and will take place in the Bureau of TennCare, 1st Floor East Conference Room, 310 Great Circle Road, Nashville, Tennessee 37243 at 9:00 a.m. C.D.T. on the 16th day August 2006.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Finance and Administration, Bureau of TennCare, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Bureau of TennCare to determine how it may reasonably provide such aid or service. Initial contact may be made with the Bureau of TennCare's ADA Coordinator by mail at the Bureau of TennCare, 310 Great Circle Road, Nashville, Tennessee 37243 or by telephone at (615) 507-6474 or 1-800-342-3145.

For a copy of this notice of rulemaking hearing, contact George Woods at the Bureau of TennCare, 310 Great Circle Road, Nashville, Tennessee 37243 or call (615) 507-6446.

SUBSTANCE OF PROPOSED RULES

Subparagraph (c) of paragraph (3) of rule 1200-13-1-.06 Provider Reimbursement is deleted in its entirety and replaced with a new subparagraph (c) which shall read as follows:

- (c) Effective on the approved effective date of the State Plan Amendment approved by the Centers for Medicare and Medicaid Services through the termination date of the amendment for certified public expenditures, and subject to the availability of funds, certifying public facilities will be reimbursed based on Medicaid Level II allowable costs, plus the bed tax pass through.
 - 1. An interim Medicaid Level II per diem rate will be established for each certifying public facility as provided in paragraph (3)(a) above. In addition to the interim Medicaid Level II per diem rate, eligible certifying public facilities will receive supplemental payments from a pool of funds determined by the state, subject to the availability of funds. The supplemental payment will be added to the certifying public facility's interim Medicaid Level II per diem rate and will not exceed the difference between the interim Medicaid Level II per diem rate and the facility's per patient day Medicaid Level II allowable costs, plus the bed tax pass through, during the payment period as determined by the Comptrollers Office.
 - 2. After the Medicaid Nursing Facility Level II cost report covering the payment period has been reviewed by the Comptrollers Office, the amount paid to the certifying public facility through the interim Medicaid Level II per diem rate will be reconciled to the facility's actual Medicaid Level II allowable costs, plus the bed tax pass through. The difference between the final Medicaid Level II allowable costs, plus the bed tax pass through, and the amount paid to the facility through the interim Medicaid Level II per diem rate will be reflected in an adjustment to claims paid during the payment period.

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3. Certifying public facilities with an interim Medicaid Level II per diem rate that is less than the Medicaid Level II rate ceiling in effect during the payment period will not be eligible for supplemental payments and will not be subject to claim adjustments as described in part 2. above.

Subparagraph (e) of paragraph (4) of rule 1200-13-1-.06 Provider Reimbursement is deleted in its entirety and replaced with a new subparagraph (e) which shall read as follows:

- (e) Effective on the approved effective date of the State Plan Amendment approved by the Centers for Medicare and Medicaid Services through the termination date of the amendment for certified public expenditures, and subject to the availability of funds, certifying public facilities will be reimbursed based on Medicaid Level I allowable costs, plus the bed tax pass through.
 1. An interim Medicaid Level I per diem rate will be established for each certifying public facility as provided in paragraph (4)(a) above. In addition to the interim Medicaid Level I per diem rate, eligible certifying public facilities will receive supplemental payments from a pool of funds determined by the state, subject to the availability of funds. The supplemental payment will be added to the certifying public facility's interim Medicaid Level I per diem rate and will not exceed the difference between the interim Medicaid Level I per diem rate and the facility's per patient day Medicaid Level I allowable costs, plus the bed tax pass through, during the payment period as determined by the Comptrollers Office.
 2. After the Medicaid Nursing Facility Level I cost report covering the payment period has been reviewed by the Comptrollers Office, the amount paid to the certifying public facility through the interim Medicaid Level I per diem rate will be reconciled to the facility's actual Medicaid Level I allowable costs, plus the bed tax pass through. The difference between the final Medicaid Level I allowable costs, plus the bed tax pass through, and the amount paid to the facility through the interim Medicaid Level I per diem rate will be reflected in an adjustment to claims paid during the payment period.
 3. Certifying public facilities with an interim Medicaid Level I per diem rate that is less than the Medicaid Level I rate ceiling in effect during the payment period will not be eligible for supplemental payments and will not be subject to claim adjustments as described in part 2. above.

Authority: T.C.A. 4-5-202, 4-5-203, 71-5-105, 71-5-109, Executive Order No. 23.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2006. (06-44)

RULEMAKING HEARINGS

DEPARTMENT OF HEALTH - 1200 OFFICE OF VITAL RECORDS POLICY PLANNING AND ASSESSMENT

There will be a hearing before the Tennessee Office of Vital Records to consider the promulgation of new rules pursuant to T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, and 68-3-103. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Tennessee Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN 37247, TN at 1:00 p.m. (CDT) on the 16th day of August, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Vital Records to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Office of Vital Records, First Floor, Central Services Building, 421 5th Avenue North, Nashville, TN 37247, (615) 741-1763.

For a copy of the entire text of this notice of rulemaking hearing contact:

Sharon Leinbach, State Registrar, Office of Vital Records, First Floor, Central Services Building, 421 5th Avenue North, Nashville, TN 37247, (615) 532-2678.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1200-7-1-.01, Duties of State Registrar, is amended by deleting paragraph (2) but not its subparts and substituting instead the following language, and is further amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) but not its subparts and the new paragraph (3) shall read:

- (2) Requirements for Preparation of Certificates. All certificates, records, and supporting documents relating to vital events must be prepared using typewritten block print or legible block print in black, unfading ink. All signatures required shall be entered in black, unfading ink. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct and acceptable for registration:
- (3) Designation of Additional Offices
 - (a) The State Registrar shall determine whether offices other than the State Office of Vital Records are needed in this State to aid in the efficient administration of the system of vital records. Such determination shall be based on the most efficient method by which the needs of the people of this State can be met.
 - (b) If the State Registrar determines additional offices are necessary, such offices shall be designated with the approval of the Department. The duties and responsibilities may be assigned to currently existing offices, or special branch offices of the State Office of Vital Records may be established in those areas where they are deemed necessary, or a combination of existing offices and branch offices may be used. In all cases where existing offices are utilized, the employees of such offices shall be deemed to be employees of the

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State Office of Vital Records and subject to the control of the State Registrar when they are performing functions relating to the system of Vital Records.

- (c) The State Registrar shall delegate such duties and responsibilities to such offices, as he deems necessary to insure the efficient operation of the system of vital records. These may include any or all of the following:
 - 1. The receipt and processing of birth, death and fetal death records. This would include the receipt of these records from the person responsible for filing the records, checking them for accuracy and completeness, and forwarding them to the State Office of Vital Records at the intervals prescribed by the State Registrar.
 - 2. Issuance of certified copies of birth and/or death records. The records from which the certified copies are issued shall be provided by the State Office of Vital Records. All forms and procedures used to issue the copies shall be provided or approved by the State Registrar. If it is deemed appropriate and feasible, any such office may be authorized and provided copies of all birth and/or death records filed in this State.
- (d) The State Registrar shall determine the responsibilities and duties of each office independently.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-105, and 68-3-106.

Rule 1200-7-1-.03, Delayed Registration of Birth, is amended by deleting paragraphs (1), (3), (5), (8), and (9) in their entirety and substituting instead the following, so that as amended, new paragraph (1), new paragraph (3), new paragraph (5), new paragraph (8), and new paragraph (9) shall read:

- (1) Registration – Ten days to one year.
 - (a) Certificates of birth filed after ten days, but within six months from the date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in T.C.A. §§ 68-3-301 through 68-3-306. Such certificates shall be marked “Delayed”.
 - (b) Certificates of birth filed after six months, but within one year from date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in T.C.A. §§ 68-3-301 through 68-3-306. Such certificates shall be marked “Delayed” on the face of the certificate.
 - (c) In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where the birth occurred, a notarized statement setting forth the reason therefore must be attached to the certificate. The State Registrar may require additional evidence in support of the facts of birth and/or an explanation of why the certificate of birth was not filed within the required ten days.
- (3) Who May Request the Registration of and Sign a Delayed Certificate of Birth.
 - (a) Any person born in this State whose birth is not recorded in this State, or his parent, guardian, next of kin, and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the State Registrar.

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- (b) Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is at least 12 years of age and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the certificate shall be signed and sworn to by one of the following in the indicated order of priority.
 - 1. One of the parents of the registrant, or
 - 2. The guardian of the registrant, or
 - 3. The next of kin of the registrant.
- (5) Delayed Registration Following a Legal Change of Status.
 - (a) When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination of acknowledgement, a new certificate of birth shall be prepared on a form in current use to reflect such change.
 - (b) The existing certificate and evidence upon which the new certificate was based shall be placed in a sealed file. Such file shall not be subject to inspection except: upon order of a court of competent jurisdiction; upon receipt of a directive from the Tennessee Department of Children's Services, consistent with the provisions of T.C.A. §§ 68-3-313, 36-1-126, 36-1-126, 36-1-127, and 36-1-138 as specified in Rule 1200-7-1-.11 (12); or by the State Registrar for purposes of properly administering the vital records program.
- (8) Abstraction of Documentary Evidence.
 - (a) The State Registrar shall abstract on the delayed certificate of birth form a description of each document submitted to support the facts shown on the delayed certificate of birth. This description shall include:
 - 1. The title or description of the document;
 - 2. The name and address of the affiant, of the document is an affidavit of personal knowledge or of the custodian, if the document is an original or certified copy of a record or a signed statement;
 - 3. The date of the original filing of the document being abstracted;
 - 4. The information regarding the birth facts contained in the document.
 - (b) All documents submitted in support of the delayed birth registration shall be returned to the applicant after review and abstraction.
- (9) Certification by State Registrar.
 - (a) The State Registrar shall, by his signature, certify:
 - 1. That no prior birth certificate is on file for the person whose birth is to be recorded;
 - 2. That he has reviewed the evidence submitted to establish the facts of birth;

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3. That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, and 68-3-308.

Rule 1200-7-1-.04, New Certificates of Birth Following Adoption, Legitimation, Paternity Determination and Paternity Acknowledgment, is amended by deleting the rule's caption but not the rule itself and substituting instead the following, and is further amended by deleting paragraph (12) in its entirety and substituting instead the following, so that as amended, the new rule caption and the new paragraph (12) shall read:

1200-7-1-.04 NEW CERTIFICATES OF BIRTH FOLLOWING ADOPTION, LEGITIMATION AND PATERNITY DETERMINATION

- (12) Sealing of Documents. After preparation of a new certificate of birth or report of foreign birth, the certificate in the name at birth and/or at the legal documents upon which the new certificate or report was prepared are to be placed in an envelope and sealed. Such sealed file may be opened by the State Registrar for the issuance of a copy of the certificate in the name at birth only upon order of a court of competent jurisdiction or upon receipt of a directive from the appropriate State agency, consistent with the provisions of T.C.A. §§ 36-1-126, 36-1-127, 36-1-138, and 68-3-313, as specified in rule 1200-7-1-.11(12).

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 36-1-126, 36-1-127, 36-1-138, 68-3-103, 68-3-104, and 68-3-313.

Rule 1200-7-1-.05, Death Registration, Incomplete, is amended by deleting paragraph (1) in its entirety and substituting instead the following, so that as amended, new paragraph (1) shall read:

- (1) If all information necessary to complete a death certificate is not available within the time prescribed for filing of the certificate, the funeral director or person acting as such shall file the certificate with all information that is available and satisfactorily account for all the items that are omitted. In all cases, the medical certification must be provided by the person responsible for such certification. If the cause of death is not yet determined or pending investigation, the cause of death shall be shown as "pending" on the certificate. A notarized affidavit providing the personal information omitted from the original certificate shall be filed with the State Registrar by the funeral director or person acting as such as soon as possible, but in all cases within 30 days of the date the death occurred.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, and 68-3-502.

Rule 1200-7-1-.07, Disposition of Reports of Fetal Death and Induced Termination of Pregnancy, is amended by deleting paragraph (1) in its entirety and substituting instead the following, so that as amended, new paragraph (1) shall read:

- (1) Reports of induced termination of pregnancy are statistical reports only and are not to be incorporated into the official records of the State Office of Vital Records. The reports are to be forwarded directly to the Department of Health within ten (10) days after the procedure by the person in charge of the institution in which the procedure was performed or, if the induced termination did not occur in an institution, by the physician in attendance. The State Registrar is authorized to dispose of such reports when all statistical processing of the reports has been accomplished.

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However, the State Registrar may establish an electronic file of such reports, so that they will be available for future statistical and research projects; provided, however, such file shall not be made a part of the official records and the reports shall not be made available for the issuance of certified copies. Such file shall be retained for as long as the State Registrar deems necessary and it shall then be destroyed consistent with laws and rules pertaining to record retention.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-504, and 68-3-505.

Rule 1200-7-1-.08, Authorization for Final Disposition, is amended by deleting paragraph (2) in its entirety and substituting instead the following, so that as amended, new paragraph (2) shall read:

(2) Disinterment Permits.

- (a) A disinterment permit shall be issued by the State Registrar upon receipt of an affidavit prescribed by the State Registrar which is signed by both the next of kin and the person who is in charge of the disinterment, or upon receipt of an order of a court of competent jurisdiction directing such disinterment. A disinterment permit which is issued based upon the prescribed affidavit may be issued only for the following purposes:
 - 1. Moving an entire cemetery.
 - 2. Moving part of a cemetery. Movement of part of a cemetery includes but is not limited to movement to correct errors that were made by funeral directors, cemetery personnel or others who were involved in the original interment.
 - 3. Reuniting families.
- (a) Upon receipt of a court order or signed affidavit of the next of kin the State Registrar may issue one permit to authorize disinterment and reinterment of all remains in a mass disinterment provided that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The disinterment permit shall be authorization for disinterment, disinterment, transportation and reinterment or reinterment.
- (b) Unless specified in an order from a court of competent jurisdiction, a disinterment permit shall not be issued for the purpose of opening a casket.
- (c) A dead body properly prepared by an embalmer and deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.
- (d) Insofar as possible, the State Registrar shall amend the death certificate of a disinterred person to reflect the place of reinterment.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-502, and 68-3-508.

Rule 1200-7-1-.09, Delayed Registration of Marriage, is amended by deleting the rule in its entirety, including its caption, and renaming the rule and substituting instead the following language, so that as amended, the new rule caption and the contents of the rule shall read:

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1200-7-1.09 DELAYED REGISTRATION OF MARRIAGE AND DIVORCE

- (1) The County Clerk of the county in which the marriage occurred shall, in accordance with T.C.A. § 68-3-401(d), file certificates of marriage with the State Office of Vital Records by the tenth day of the month following the date of the marriage.
- (2) Certificates of marriage which are filed after the tenth day of the month following the date of the marriage but less than one calendar year after the marriage must be filed by the County Clerk of the county in which the marriage occurred. The State Registrar shall register such certificates of marriage in the same manner as if they were timely filed.
- (3) Delayed Registration of Marriage Certificates
 - (a) Certificates of marriage which are complete but which are filed one calendar year or more after the date of the marriage must be filed by the County Clerk of the county in which such marriage occurred, and such certificates of marriage shall be marked by the State Registrar as "Late Filed".
 - (b) Where an original certificate of marriage is no longer available but the State Registrar reasonably believes that the certificate of marriage was in fact created and simply never filed, the State Registrar may, at his discretion, accept the record without all required information and signatures, so long as the certificate is supported by:
 1. A copy of the license or of the application for license if the license was granted; and
 2. Signed statements from the officiant or the custodian of the official record and from one witness to the wedding ceremony proving that there was a marriage, and showing the date and place of the marriage.
 - (c) Incomplete Marriage Certificates
 1. Incomplete certificates of marriage which meet the following criteria shall be accepted by the State Office of Vital Records and registered in the same manner as certificates which are late filed, as set forth at 1200-7-1-.09(3)(a).
 - (i) Where the officiant signature cannot be obtained. Prior to filing a late filed certificate of marriage in such situations, the State Office of Vital Records must receive from the County Clerk all of the following:
 - (I) A certificate of marriage which contains all required officiant information other than his signature, and which contains the signature of one witness.
 - (II) A copy of the county marriage license or county application for marriage.
 - (III) An affidavit of explanation from the County Clerk.
 - (IV) If the officiant is deceased and died outside of Tennessee, a copy of the death certificate.
 - (ii) Where bride and/or groom signature(s) cannot be obtained. Prior to filing a late filed certificate of marriage in such situations, the State Office of Vital Records must receive from the County Clerk all of the following:

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- (I) A certificate of marriage which contains bride and groom information but blank bride and/or groom signatures(s), and which contains the signature of one witness.
 - (II) A copy of the county marriage license or county application for marriage.
 - (III) An affidavit of explanation from the County Clerk.
 - (IV) A copy of the death certificate if the bride and/or groom is/are deceased and died outside of Tennessee.
2. The State Registrar may at his discretion accept reasonable substitutions for the evidentiary documents required by 1200-7-1-.09(3)(c)1.(i) and (ii). When the State Registrar accepts substitutions of such documents, he shall file with the certificate of marriage a signed Statement of Explanation.
- (4) Court clerks issuing divorces, dissolutions of marriage and annulments shall, in accordance with T.C.A. § 68-3-402(b), forward certificates of divorce or annulment to the State Office of Vital Records by the tenth day of the month following the date of the event.
 - (5) Certificates of divorce or annulment which are filed after the tenth day of the month following the date of the divorce, dissolution of marriage or annulment but less than one calendar year after the divorce must be filed by the Court Clerk of the court in which the divorce, dissolution of marriage or annulment occurred. The State Registrar shall register such certificates of divorce or annulment in the same manner as if they were timely filed.
 - (6) Delayed Registration of Certificates of Divorce or Annulment
 - (a) Certificates of divorce or annulment which are filed one calendar year or more after the date of the divorce, dissolution of marriage or annulment must be filed by the Court Clerk of the court in which such divorce, dissolution of marriage or annulment occurred, and such certificates of divorce or annulment shall be marked by the State Registrar as "Late Filed".
 - (7) Certificates of divorce or annulment which demonstrate dissolutions of marriage and annulments must contain appropriate signatures to be acceptable for registration in the State Office of Vital Records.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-401, and 68-3-402.

Rule 1200-7-1-.10, Amendment of Vital Records, is amended by deleting paragraph (1) but not its subparts and substituting instead the following language, and is further amended by deleting paragraphs (2), (3) and (5) in their entirety and substituting instead the following language, so that as amended, the new paragraph (1) but not its subparts and the new paragraphs (2), (3) and (5) shall read:

- (1) Amendment of Minor Errors on Birth and Death Certificates within the First Year of the Event.
- (2) All Other Amendments.
 - (a) Unless otherwise provided in these rules or by statute, all other amendments to vital records shall be supported by:

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1. an affidavit signed by one of the persons defined in 1200-7-1-.10(3) setting forth the information to identify the certificate, the incorrect data as it is listed on the certificate, and the correct data as it should appear; and
2. two or more items of documentary evidence which support the alleged facts and which were created at least ten years prior to the date of the application for amendment or within twelve years of the date of a birth or death event related to the record. The State Registrar may, for good cause shown, make exceptions and permit amendments where there is only one item of documentary evidence.
3. The date of birth on a birth certificate cannot be changed to a date which is after the date of filing. The date of birth can be corrected by an affidavit required in 1200-7-1-.10(2)(a)(1) and either of the following:
 - (i) one item of documentary evidence which was created before the registrant's tenth birthday which supports the correct date of birth; or
 - (ii) a transcript of the Federal Census which next followed the registrant's birth to establish the year of birth and a document which was made prior to the registrant's twenty-first birthday which supports the correct date of birth; or
 - (iii) to amend a date of birth to reflect a new date which is within 30 days of the date recorded on the birth certificate, documentary evidence established before the registrant's twenty-first birthday that supports the correct date of birth.
4. To amend the records for births that occurred more than seventy years prior to the application, the State Registrar may at his discretion require documentary evidence only. The documents must be at least five years old at the time of amendment.
5. Any item on a certificate may be corrected by an order of a court of competent jurisdiction with the exception of the date of filing, the signature of the certifier, change of gender as a result of surgical procedure, and changing the date of birth to a date which is after the date of filing. A certified copy of the order must be submitted to the State Registrar.
6. An item that was established by court order on a certificate can only be amended by an order of a court of competent jurisdiction, preferably the court which granted the original decree. A certified copy of the order signed by the clerk of the court must be submitted to the State Registrar.
7. A legal change of name order from a court of competent jurisdiction is required to change the name as shown on the certificate, unless the registrant possesses documentary evidence that the name was incorrectly recorded at the time of registration of birth. In order to prove incorrect recording, the documentary evidence should be the oldest document available, preferably a hospital birth worksheet or other record created very soon after birth, which proves the correct name.
8. A certified copy of a court order from a court of competent jurisdiction will be required to amend any items on the birth certificate that were based upon a Voluntary Acknowledgment of Paternity signed and sworn to by the parents.

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- (b) The State Registrar shall evaluate the evidence submitted in support of any amendment and, when he finds reason to doubt its validity or adequacy, he may reject the amendment and in writing shall advise the applicant of the reasons for this action.
- (3) Who May Apply.
- (a) To amend a birth certificate, application may be made by one of the parents named on the birth certificate, the guardian, the registrant (if 18 years of age or older), or the individual or institution responsible for filing the certificate.
 - (b) To amend the demographic section of a death certificate, application may be made by the next of kin or the informant listed on the death certificate and the funeral director or person acting as such who submitted the death certificate. Applications to amend the date of death or the medical certification of cause of death shall be made by the physician who signed the medical certification or the medical examiner.
 - (c) With the exception of amendment of social security numbers, the only applications to amend a certificate of marriage that the State Office of Vital Records will accept are those which are filed by the county clerk of the county where the marriage occurred. The application shall include an affidavit of explanation signed by the county clerk, a copy of county marriage records that show the amendment, and a copy of the evidentiary document(s) upon which the county clerk relied to validate the amendment.
 - (d) Requests for amendment of social security numbers on a certificate of marriage may be made by the bride, groom, officiant or county clerk of the county where the marriage occurred. Any such amendment shall be supported as required by 1200-71-1-.10(2)(a) 1. and 2. In the event the marriage to which the application relates was terminated by divorce, dissolution or annulment on or before the date of application for amendment, the applicant may request amendment only of those items on the certificate of marriage which relate to the applicant.
 - (e) Applicants for amendment of matters contained in a certificate of divorce, dissolution or annulment which are not part of the decree may be made by either party to the marriage so terminated. Any such amendment shall be supported as required by 1200-7-1-.10(2)(a) 1. and 2. Applications for amendment of matters contained in a certificate of divorce, dissolution or annulment which are part of the decree may only be made by the court which ordered the divorce, dissolution or annulment upon which the report was made.
- (5) Addition of Given Name.
- (a) Given names, for a child whose birth was recorded without a given name, may be added to the certificate upon affidavit of the parent(s) named on the certificate or the guardian, person, or agency having legal custody of the registrant.
 - (b) If a birth was recorded without a given name and the registrant is age 18 years or older, he may sign the affidavit to add given names only when supported by the documentary evidence specified in 1200-7-1-.10 (2) (a) 2.
 - (c) The procedures set forth in this rule for addition of given name may be applied for the addition of a middle name when no middle name was recorded on a birth certificate.

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Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-202, 68-3-203, 68-3-301, 68-3-302, 68-3-303, 68-3-304, 68-3-305, 68-3-308, 68-3-309, 68-3-310, 68-3-311, 68-3-312, 68-3-401, 68-3-402, 68-3-501 and 68-3-502.

Rule 1200-7-1-.11, Disclosure of Records, is amended by deleting paragraph (1) and subparagraph (1)(c) but no other subparts of paragraph (1) and substituting instead the following language, so that as amended, the new paragraph (1) but not its subparts and the new subparagraph (1)(c) shall read:

- (1) Except where prohibited by T.C.A. §§ 68-3-101 at seq., the information on birth, death, marriage, and divorce certificates is public information and may be provided and verified upon request except that:
 - (1) (c) Information from birth records which have been sealed pursuant to T.C.A. § 68-3-313 will not be verified. The sealed records are subject to opening only pursuant to T.C.A. §§ 68-3-313, 36-1-126, 36-1-127, 36-1-138 and in accordance with the procedures set forth at 1200-7-1-.11(12).

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 36-1-126, 36-1-127, 36-1-138, 68-3-103, 68-3-104, 68-3-205, 68-3-206 and 68-3-313.

Rule 1200-7-1-.13, Fees for Copies and Searches, is amended by deleting paragraph (3) and subparagraphs (3)(h) and (3)(j) but no other subparts of paragraph (3) and substituting instead the following language, and is further amended by adding to paragraph (3) new subparagraphs (u) and (v), so that as amended, the new paragraph (3) but not its subparts and the new subparagraphs (3)(h), (3)(j), (3)(u) and (3)(v) shall read:

- (3) Fees for services from the State Office of Vital Records.
 - (3) (h) For amending a birth or death certificate, with the exception of amendments of obvious error, transposition of letters in words of common knowledge, or the addition of omitted information within the first year.....\$15.00
 - (3) (j) For preparing a delayed certificate of birth, death, or marriage:\$15.00
 - (3) (u) For a permit to disinter a dead body and, insofar as possible, to amend the disinterred person's death certificate to reflect the place of re-interment:.....\$50.00
 - (3) (v) For a permit to conduct a court ordered mass disinterment for which there are no death certificates to amend:\$50.00

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-205 and 68-3-207.

Rule 1200-7-1-.14, Persons Required to Keep Records and File Reports, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) Each funeral director and/or manager of a funeral establishment, embalming service, crematory, or enterprise that ships human remains shall keep a record containing, as a minimum, the following information about each dead body or fetus he handles:
 - (a) The date, place and time of receipt;

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- (b) The date, place, and manner of disposition;
- (c) If the dead body or fetus is delivered to another funeral director or another funeral establishment, embalming service, crematory, or enterprise that ships human remains, the date of such delivery and the name and address of the funeral director and/or funeral establishment, embalming service, crematory, or enterprise that ships human remains to whom delivered;
- (d) The items required by the certificate of death in use when the event occurs for those events for which he is required to file the certificate.

Authority: *T.C.A. §§ 4-5-202, 4-5-203, 4-5-204, 68-3-103, 68-3-104, 68-3-205, 68-3-502, 68-3-503 and 68-3-504.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2006. (06-37)

RULEMAKING HEARINGS

TENNESSEE HIGHER EDUCATION COMMISSION - 1540 DIVISION OF POSTSECONDARY SCHOOL AUTHORIZATION

There will be a hearing before the Tennessee Higher Education Commission to consider the promulgation of amendments of rules pursuant to T.C.A. § 49-7-2005. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Tennessee Higher Education Commission Boardroom on the 18th Floor of Parkway Towers located at 404 James Robertson Parkway, Nashville, Tennessee at 1:00 p.m. CDT on the 14th day of September 2006.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Higher Education Commission to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Higher Education Commission to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Higher Education Commission's ADA Coordinator at 404 James Robertson Parkway, Suite 1900, Parkway Towers, Nashville, Tennessee 37243 and (615) 741-5293.

For a copy of this notice of rulemaking hearing, contact: Melissa Stevenson, Suite 1900, Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37243-0830, (615) 741-5293.

SUBSTANCE OF PROPOSED RULES

1540-1-2-.02 Role of the Commission, Committee and Staff, is amended by deleting subparagraph (4) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (4) (b) shall read:

- (4) (b) Beginning July 1, 1997, the Division of Postsecondary School Authorization and Commission staff responsible for oversight of TCA §49-7-2001 et seq. and the related Postsecondary Regulations chapter 1540-1-2 shall be officially referred to as the Tennessee Higher Education Commission, Division of Postsecondary School Authorization.

Authority: T.C.A. §49-7-2014.

1540-1-2-.03 Definitions is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

- (1) The following definitions are complementary to definitions in T.C.A. § 49-7-2003 and have the following meanings, unless the context clearly indicates otherwise:
 - (a) "Ability-to-benefit" as used in these regulations, in contrast to the use of that term for federal financial aid or other purposes, means students, regardless of financial condition, who do not possess a high school diploma or GED, but who have demonstrated that they can profit materially or personally from a certain course of study.
 - (b) "Academic" in description of a program or institution means that which is organized primarily for academic training or transfer.
 - (c) "Accreditation" is a non-governmental, peer evaluation of educational institutions and programs. Private educational associations of regional and national scope have adopted criteria reflecting the qualities of a sound educational program and have developed procedures for

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evaluating institutions or programs. These criteria determine whether or not institutions or programs are operating at basic levels of quality. The Commission only recognizes accrediting agencies that are recognized by the U.S. Secretary of Education and the U.S. Department of Education. Additionally, accreditation is voluntary and is not required by State law. In most cases, authorization for one to two years is a prerequisite for accreditation.

- (d) "Act" means the Postsecondary Education Authorization Act of 1974, T.C.A. §§ 49-7-2001, et seq. as amended.
- (e) "Adverse action" means action taken by the Executive Director or Commission to penalize, limit, change, suspend or cause to cease activity that is in non-compliance with the Act and these rules. Such adverse action may include but not be limited to fines of \$500 per violation per day; suspension of activity; conditional authorization or revocation.
- (f) "Agent" means any person owning any interest in, employed by or representing for remuneration a postsecondary educational institution, who, by solicitation in any form, enrolls or seeks to enroll a student for education offered by an authorized institution, or offers to award educational credentials, for remuneration, on behalf of any such institution for any such purpose.
- (g) "Agent's permit" means a nontransferable written authorization issued to a natural person by the commission which allows that person to solicit or enroll students for education in an authorized postsecondary educational institution.
- (h) "Articulation agreement" for the purposes of the Division of Postsecondary School Authorization, refers specifically to "program articulation", i.e., the process of developing a formal, written agreement that specifically breaks down courses (or sequences of courses within a program) from institution(s) that are comparable, and acceptable in lieu of, specific course requirements at similar institution(s). An articulation agreement is an agreement, a legal document with the appropriate signatures that specifies which courses at said institution(s) may be transferred to meet general education, major requirements, and electives at the receiving institution. These agreements, maintained by the Articulation Officers, at both institutions, facilitate the successful transfer of students between the two entities, to include, but are not limited to, associate and baccalaureate level institutions and ultimately comprehensive or research universities for masters and doctoral level programs.
- (i) "Associate degree" means a credential issued to students who complete a vocational or academic program or curriculum consisting of at least sixty (60) semester credit hours or ninety (90) quarter credit hours of instruction, or equivalent.
- (j) "Authorization to operate" means permission to operate for a specified time in a specified place(s). An institution or agent awarded a letter or certificate of authorization in Tennessee shall not use terms to interpret the letter or certificate which specify or connote greater approval than simple permission to operate. Terms which may not be used include, but are not limited to, "accredited", "supervised", "endorsed", "licensed", and "recommended by the Commission."
- (k) "Authorization site visit" means an institutional site visit conducted by Commission staff or Postsecondary Committee members to verify compliance with Postsecondary Education Authorization Act of 1974, T.C.A. §§ 49-7-2001, et seq. as amended and the chapter 1540-1-2 of the Postsecondary Regulations. The authorization visit is commonly called a 'site

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visit'.

- (l) "Bachelor's degree" means a credential issued to students who complete a vocational or academic program or curriculum consisting of at least one hundred twenty (120) semester credit hours or one hundred eighty (180) quarter hours, or equivalent.
- (m) "Certificate program" generally means one or more technical courses usually completed in one to twenty-six weeks, or up to and including five hundred (500) contact hours normally with a single skill objective.
- (n) "Certified" when used to modify audit refers to an audit in accordance with Generally Accepted Auditing Standards (GAAS) and in accordance with the auditing standards set forth in the book, "Government Auditing Standards" issued by the Comptroller of the United States (often referred to as the "yellow book" standards). If, however, the entity is required for other reasons to have conducted a certified audit in accordance with O.M.B., Circular A-133, such an audit shall be an acceptable substitute for the audit required pursuant to these regulations.
- (o) "Closed enrollment" means instruction provided between an educator or educational service to a group or business on a private contractual bases, whereby public solicitation does not occur and the instructional provider is given a list of enrollees to train at no cost to the students.
- (p) "College" means (1) a unit of a university offering specialized degrees or (2) a postsecondary institution offering courses of study leading to traditional undergraduate college degrees. Some examples of traditional degrees are, but are not limited to: Associate of Arts, Associate of Science, Bachelor of Arts, Bachelor of Business Administration, Bachelor of Science, Bachelor of Fine Arts, Master of Arts, Master of Science, Master of Fine Arts, Master of Business Administration, Doctor of Philosophy, Doctor of Psychology, and Doctor of Education.
- (q) "Commission" means the Tennessee Higher Education Commission.
- (r) "Contact Hour" (clock hour) refers to actual directed or supervised instructional time, not to be less than fifty (50) minutes for every sixty (60) minutes of time.
- (s) "Credential" refers to educational credentials which include but are not limited to: certificates, diplomas, letters of designation, degrees, transcripts or any other papers generally taken to signify progress or completion of education and/or training at a postsecondary educational institution.
- (t) "Degree" means letters of designation or credential or a title from a postsecondary level program acceptable to and so authorized by the Commission and/or an accrediting body recognized by the U.S. Department of Education. Typically used in some form is the term 'associate', 'bachelor', 'masters' or 'doctor' in the credential designation.
- (u) "Diploma mill" means a nontraditional, unaccredited postsecondary school that offers degrees for a relatively low flat fee, promotes the award of academic credits based on life experience, and does not require any classroom instruction.
- (v) "Diploma program" means a program of instruction offering technical and some basic course work. Some general or peripheral courses may be included. The program shall generally range for more than five hundred (500) contact hours but less than contact requirements

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for the Associates degree.

- (w) "Doctoral degree" means a credential issued to students who complete a program consisting of a bachelor's degree plus at least ninety (90) semester hours or one hundred thirty-five (135) quarter hours of graduate credit or equivalent.
- (x) "Enrollment" refers to those students who have completed the institution's application forms, submitted a financial deposit where required, and have actually attended one or more sessions of classes, or, in the case of home study programs, received one or more lessons.
- (y) "Educational service" means an individual or business established to provide services such as, but not limited to, a testing service, test preparation or a business that assists people in gaining academic credit for life experience, non-accredited courses or non-college training.
- (z) "General education courses" are general education core or academic subjects intended to broaden communication/language skills, contribute to the intellectual growth of the student and give balance to the total program beyond the area of vocational or professional concentration,
- (aa) "Independent certified public accountant" means a C.P.A. not associated with the institution or its owners, especially in such a way that a conflict of interest or appearance of conflict arises.
- (bb) "Institute" means a postsecondary institution offering courses of study and training not usually associated with traditional liberal arts degrees. Appropriate credentials awarded would include applied science degrees, certificates, and diplomas such as the Associate of Applied Science (A.A.S).
- (cc) "Institutional director" means the institutional executive designated by the institution to assume responsibility for the conduct of the institution and its agents within these rules and the Act. Further, the institutional director will serve as the official contact for all business conducted between the institution and the Commission and maintain complete authorization files.
- (dd) "Instructional Site" means a non-residential facility that is commercially zoned, utilized for the training of students.
- (ee) "Long Distance Learning" means a system and process that connects learners with distributed learning resources through delivery systems at a distance such as correspondence, video tape, audio tape, telecommunications, computer resources, computer network system or an electronic delivery system, where there is physical separation of the instructor and student.
- (ff) "Master's degree" means a credential issued to students who complete a program consisting of a bachelor's degree plus at least thirty (30) semester credit hours or forty-five (45) quarter credit hours, or equivalent.
- (gg) "Non-exempt institution" means all postsecondary institutions not specifically exempted under provisions of T.C.A. § 49-7-2004 of the Act or Section 1540-1-2-.05 of these rules and means all instructional sites which must have separate authorization.
- (hh) "Out-of-state", as applied to describe an authorized postsecondary educational institution, means an institution that maintains its primary campus in another state, but has physical

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presence in Tennessee.

- (ii) "Physical presence" means actual presence within the state of Tennessee for the purpose of conducting activity related to: a postsecondary educational institution; an educational service; dissemination of educational credentials; enrollment; solicitation or advertising. Physical presence as further outlined for purposes of authorization shall include but not be limited to:
 - 1. An instructional site within the state;
 - 2. Instruction within or originating from Tennessee designed to impart knowledge with response utilizing teachers, trainers, counselors, etc., or computer resources, or computer linking (e.g. Internet), or any form of electronic telecommunications;
 - 3. Dissemination of an educational credential from a location within the state;
 - 4. An agent, recruiter, institution or business that solicits for enrollment or credits or for the award of an educational credential;
 - 5. Advertising, promotional material or public solicitation in any form that targets Tennessee residents or uses local advertising markets in the state for institutions seeking, holding or required to hold a certificate of authorization.
- (jj) "Postsecondary educational institution" includes, but is not limited to, an academic, vocational, technical, online/distance learning, business, professional, or other school, college, or university, or other organization or person, offering educational credentials, or offering instruction or educational services, primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives.
- (kk) "Quarter" is a period of instruction into which the academic year may be divided. A quarter must consist of at least ten (10) weeks.
- (ll) "Quarter credit hour" means a measurement of scholastic attainment earned by receipt of instruction of one (1) classroom lecture hour per week for one (1) quarter or two (2) hours of laboratory experience per week for one (1) quarter, or three (3) hours of intern/externship experience per week or the equivalent number of hours.
- (mm) "Residence course" means a course in which the student comes to an institutional campus or instructional site as opposed to a course where the student stays at home (i.e. Long Distance Learning).
- (nn) "School" means (1) A unit within a college or university that offers specialized instruction (i.e., a school of engineering). (2) An institution that offers specialized instruction in areas (i.e., driving, modeling, basic travel training) not usually associated with college or university education. Appropriate credentials awarded would include certificates and/or diplomas. Institutions using the name of "school" do not usually offer degrees.
- (oo) "Semester" is a period of instruction into which the academic year may be divided. A se-

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mester must consist of at least fifteen (15) weeks.

- (pp) "Semester credit hour" means a measurement of scholastic attainment earned by receipt of instruction of one (1) classroom lecture hour per week for one (1) semester or two (2) hours of laboratory experience per week for a semester, or three (3) hours of intern/externship experience per week or the equivalent number of hours.
- (qq) "Solicitation" means contact, written or verbal, on the part of anyone representing an institution, for the purpose of supplying information in an attempt to enroll Tennessee residents.
- (rr) "Tuition" shall mean but not be limited to, any money or fee involving the student, actually charged or tracked as a bookkeeping item for instruction/training provided.
- (ss) "Unearned tuition" means at any given time, the total of refunds due former students, all tuition and fees that have or will be collected from students prior to graduation and which would be refundable pursuant to 1540-1-2-.17 of these rules, and any tuition and fees collected in advance from prospective students.
- (tt) "University" means a postsecondary institution that provides facilities for teaching and research, offers traditional undergraduate and graduate degrees at the baccalaureate and higher level, and is organized into largely independent colleges or schools offering undergraduate, graduate, and/or professional programs. Some examples of traditional degrees are: Bachelor of Arts, Bachelor of Business Administration, Bachelor of Science, Bachelor of Fine Arts, Master of Arts, Master of Science, Master of Fine Arts, Master of Business Administration, Doctor of Philosophy, Doctor of Psychology, and Doctor of Education.
- (uu) "Vocational" in description of a program or institution means that which is organized primarily for job entry or upgrading of job skills that would result in a new job title or position.

Authority: T.C.A. § 49-7-2005, Public Chapter 766, Acts of 2006.

1540-1-2-.05 Exemption is amended by deleting paragraph (1) in its entirety and substituting the following language, so that paragraph (1), so that as amended, paragraph (1) shall read as follows:

- (1) In addition to institutions exempt by Tennessee Code Annotated, Chapter 49-7-2004, the following institutions are exempt from the annual reporting and the provisions of these regulations:
 - (a) any entities offering education, instruction or training that meet 1, 2, 3, or 4 in its entirety as follows:
 - 1. maintained or given by an employer or group of employers, for employees or for persons they anticipate employing without charge, payroll deduction or minimum length of employment; or
 - 2. maintained or given by a U. S. Department of Labor or state recognized labor organization, without charge, to its membership or apprentices; or
 - 3. financed and/or subsidized by public funds, without charge to the students, having a closed enrollment; or
 - 4. given under a contract agreement, having a closed enrollment, at no cost to the student and does not offer degrees or educational credentials such as but not limited to diplomas or special certifications that in the opinion of the Commission are specifically

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directed toward new or additional vocational, professional or academic goals.

- (b) Short-term programs for which all promotional materials and advertisements indicate that the program purpose is exclusively for self-improvement, or instruction that is motivational or avocational in intent as determined by Commission staff.
- (c) Programs that operate under Part 61 of the Federal Aviation Regulations and that provide only avocational training are exempt. Aviation programs that operate entirely under Part 141 of the Federal Aviation Regulations and programs that operate under Part 61 of the Federal Aviation Regulations and that provide vocational training are non-exempt. Oversight of these aviation schools will in no way conflict with oversight provided by the Federal Aviation Administration. While the FAA oversight ensures adequate curricula and safety of the student, the Commission's oversight is focused on protection of the personal and financial interests of the student.
- (d) Institutions which offer intensive review courses designed solely to prepare students for graduate and/or professional school entrance exams.
- (e) Bona fide religious institutions that:
 - 1. offer instruction or training without charge or any expense to participants and do not offer degrees of any type within the institution;
 - 2. do not suggest that postsecondary credit may be awarded by another party or transfer in educational credentials from another source;
 - 3. do not offer diplomas/certificates that in the opinion of the Commission replicate letters of designation or degrees.

Authority: T.C.A. §49-7-2002, 49-7-2004, 49-7-2005, 49-7-2006, 49-7-2008.

1540-1-2-.06 Minimum Authorization Standards and Requirements, is amended by deleting paragraphs (6) and (12), subparagraph (14) (b), and paragraph 15 in their entirety and substituting instead the following language, so that as amended, the new paragraphs (6) and (12), subparagraph (14) (b), and paragraph (15) shall read:

- (6) Ability to secure a continuous institutional surety bond or like security described in rule 1540-1-2-.07 (6) (a) and (10).
- (12) Any institution based primarily outside of Tennessee which proposes to set up a site in Tennessee and is not accredited by an agency recognized by the Commission must forward reasons why resources would not best be spent on accreditation at current site.
- (14) (b) No postsecondary educational institution under the Act and these rules may use the word "college" in their name unless the school has been so approved by a regional accrediting body recognized by the U. S. Department of Education, or
 - 1. For institutions authorized prior to October 1, 2006, an appropriate qualifier along with the word "college", such as "career", "vocational", "business", "technical", "art" etc., or in the case of a religious institution, "Bible" or a denominational term.
 - 2. For institutions authorized on or after October 1, 2006, an appropriate qualifier preceding the word "college", such as "career", "vocational", "business", "technical", "art" etc.,

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or in the case of a religious institution, “Bible” or a denominational term.

- (15) A sign, acceptable to the Commission, must be affixed to the building and/or the main entrance door indicating the name of the institution.

Authority: T.C.A. §49-7-2002, 49-7-2004, 49-7-2005, 49-7-2006, 49-7-2008.

1540-1-2-.07 Institutional Applications, is amended by deleting it in its entirety and substituting instead the following language, so that the new rule shall read:

(1) Application deadline:

- (a) Incomplete submissions as given below in Authorization - What Constitutes a Complete Application, or applications submitted after the established deadline and/or that are untyped or incomplete may be deferred to the next quarterly meeting at the discretion of staff.
- (b) Institutions that voluntarily or involuntarily defer an application before the Committee will have two additional Committee/Commission meetings to complete, correct and/or submit the application by that established deadline date. Failure to complete the application process in the established time extension will require a new application and loss of all previously paid fees.

- 1. Exceptions must be requested in writing and granted by the Executive Director.

(2) Authorization - What Constitutes a Complete Application:

- (a) Prior to operation, which includes advertising, recruitment and solicitation, institutions seeking or required to hold an authorization must submit on forms provided by the Commission, a completed and typed application which includes at least the following:
 - 1. a title or name of the institution in compliance with these rules;
 - 2. a copy of the Tennessee state charter as filed with the Secretary of State (incorporated) or local business license (sole proprietorship);
 - 3. name(s), home address(es), and phone number(s) of all owner(s), controlling officer(s), and/or members of the board of directors;
 - 4. address and general description of facilities;
 - 5. list of instructional equipment for each program (owned or leased);
 - 6. qualifications for instructional staff and supervisors (1540-1-2-.16);
 - 7. designation of an institutional director for each site responsible for authorization contracts and maintenance of records and all other duties as described under Personnel and Instructor Qualifications;
 - 8. definition of any administrative structure above the director with the signature of the official that will notify the Commission if the director is replaced;
 - 9. a check or money order payable to the State Treasurer for Tennessee for such fees

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as prescribed under these rules;

10. institutional surety bond as prescribed by T.C.A. §49-7-2013;
 11. a copy of the enrollment contract or agreement described in these regulations;
 12. a copy of the Enrollment Disclosure Standards (1540-1-2-.13) checklist if not incorporated within the enrollment agreement (contract);
 13. information pertaining to institutional facilities ownership, length of any lease and time in present quarters. Information must include total square feet, available floor space for conducting programs, and subtotals for classrooms, offices, and library space (with number of volumes held). Instructional equipment (specify owned or leased) must be listed and described;
 14. Current verification of fire and sanitation inspections of educational facilities (and student housing owned, leased or operated by the institution) must be filed;
 15. a draft or copy of the institutional catalog (see 1540-1-2-.11);
 16. a complete description of the proposed educational programs in compliance with the Act and these rules;
 17. a complete syllabus for each course proposed that demonstrates sufficient content and depth for the proposed level of the program and credential offered;
 18. any specific requirements as outlined under degree granting and/or non degree granting sections of these regulations;
 19. if participating in federal student financial aid programs, a copy of the most recent audits or program reviews of such programs by any applicable non-profit, state or federal agencies, including, but not limited to, any student guarantee agency and the United States Department of Education;
 20. evidence of institutional financial stability as follows:
 - (i) sufficient finances to establish and conduct proposed operation;
 - (ii) audited financial statements consistent with generally accepted accounting principles and signed by a certified public accountant not associated with the institution or its owners.
 21. the balance sheet in the financial statement must reflect owner's (proprietorship, partnership, corporation, other, etc.) assets and liabilities.
- (3) Each application for a certificate of authorization or change of ownership must be signed by the applicant and signature(s) must correspond with required names on surety bonds. If the applicant is a partnership, all partners must sign. If the applicant is a corporation, it must be signed and certified by the president and secretary; all officers of the corporation must be listed.
- (4) A separate application for authorization, which is site specific, must be made for each location.
- (5) The applicant institutional director must sign and date, on forms provided by the Commission, the director's intention to:
- (a) conduct the institution in accordance with the Act and rules established by the Commission;
 - (b) advertise or solicit using institutional employees familiar with these rules;
 - (c) advise the Commission within a reasonable time in advance if the controlling officers change or the school ceases operation;
 - (d) notify the Commission of staff changes by forwarding staff information forms for new staff

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and informational letter for staff terminations;

- (e) advise the Commission of any application to operate in another state (Tennessee institutions only);
 - (f) sign significant operational documents (such as those vouching for accuracy of staff information, moral character, program revisions, etc.); and
 - (g) forward, if participating in federal financial aid programs, a copy of each audit of such programs by applicable state and federal agencies, applicable non-profit, state or federal agencies, including, but not limited to, the Tennessee Student Assistance Corporation and the United States Department of Education.
- (6) Bond Requirements for Institutions:
- (a) Institutions must, on forms provided by the Commission, secure for student indemnification purposes, from an insurance company licensed in Tennessee, a surety bond for the penal sum of \$10,000 for in-state institutions and \$20,000 for out-of-state education institutions.
- (7) Out of state institutions must, on forms provided by the Commission, secure a surety bond for agents in the penal sum of \$5,000 per agent from a surety company authorized to do business in Tennessee with the applicant institution as principal. Such applications must be accompanied by verification by the issuing agency that the individual seeking a permit is covered by a \$5,000 surety bond.
- (8) Bonds provided by institutions under Section 1540-1-2-.07(7) must be accompanied by the name, office address, and phone number of the issuing insurance company representative and the bond must be site specific.
- (9) Bonds provided by institutions under Section 1540-1-2-.07(7) must be identified on the top half of the first page by the name and the address of the institution. Bonds and verification of bonds should be forwarded to the Commission by institutional directors, and not directly from issuing companies.
- (10) Certificates of deposit or a cash deposit with a bank may be accepted in lieu of the bond, pending approval of the Commission staff. Such deposits are subject to the same terms and conditions provided for in the surety bond requirement under this regulation.
- (11) Fire and Sanitation Inspections:
- (a) Applicant institutions must secure, from appropriate local agencies, documentation that fire and sanitation codes are met by the proposed instructional facilities. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable.
 - (b) Tennessee institutions seeking initial authorization and renewal must maintain documentation in their authorization records that a fire and sanitation inspection has been successfully passed during the past twelve months and, further, the institution must notify the Commission of the most recent inspection dates as part of the renewal application. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable.
 - (c) Out-of-state institutions must forward to the Commission a copy of fire and sanitation inspec-

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tion reports and these reports must be made at least every twelve months.

- (d) Commission staff may seek supplemental fire and/or sanitation reports from appropriate local or state agencies.

(12) New Ownership / Change in Ownership:

- (a) The following constitutes new ownership:
 - 1. In the case of ownership by an individual, when more than 50 percent of the institution has been sold or transferred;
 - 2. In the case of ownership by a partnership or a corporation, when more than 50 percent of the institution or of the owning partnership or corporation has been sold or transferred;
 - 3. When the board of directors, officers, shareholders, or similar governing body has been changed to such an extent as to significantly alter the management and control of the institution.
- (b) A person or persons purchasing an institution authorized to operate shall comply with all the requirements for securing an initial, new authorization including new program applications for each program. In addition, a copy of the sales contract(s), bill(s) of sale, deed(s), and all other instruments necessary to transfer ownership of the institution shall be submitted to the Commission.
- (c) Commission staff should be notified of any anticipated change of ownership prior to the change. In the event of a change of ownership, greater than 50 percent, a new owner or governing body must request from the Executive Director conditional authorization to operate until temporary authorization can be acquired under the established standard procedure by recommendation of the Advisory Committee for Postsecondary Educational Institutions and affirmative vote of the Commission.
- (d) The sale or transfer of ownership interest after the death of an owner of an institution to either a family member or a current stockholder of the corporation is not considered a change in ownership, and the executive director may determine that other transfers should also be excluded from these requirements.

(13) New Program or Change in Program:

- (a) Vocational program names and objectives must generally coincide with or be equated with the Dictionary of Occupational Titles published by the U.S. Department of Labor and/or the Classification of Instructional Programs published by the U.S. Office of Education, National Center for Education Statistics.
- (b) New institutions proposing to offer programs similar to those conducted by Tennessee institutions under the Tennessee desegregation plan must submit a description of the anticipated effect of the proposal on the racial composition of higher education institutions in Tennessee.
- (c) New institutions must submit a rationale with supporting data to justify initiation of programs proposed.

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- (d) Authorized institutions must submit to the Commission a supplementary application if additional programs are proposed during any authorization year and the program must be authorized prior to operation, which includes advertising or solicitation. Applications must be received by the quarterly deadline established by Commission staff to be included on the ensuing Committee and Commission agenda.
- (e) Ongoing institutions that make changes to an existing program(s) previously approved by the Commission must file a New Program Application if program changes exceed 25 percent, or if in the opinion of staff a significant change has occurred. Changes of less than 25 percent should be reported by submitting a change of program form as a file item to the Commission detailing changes made. All changes must be reflected in the institutional catalog.
- (f) Institutions shall not arbitrarily add a course or courses to an existing program in which a student would incur additional time and expense beyond the catalog requirements at the time of enrollment, unless the addition is in response to: demonstrated educational necessity; a reasonable program completion period had elapsed; state approval agencies; recognized accrediting agencies or for requirements of professional certifications or licenses. Under approval conditions, the institution shall provide written notification to the Commission and give adequate notice to all students affected prior to any change.

(14) New Location / Change of Address:

- (a) An application from an authorized institution to reflect a new location shall be submitted to the commission staff and include all documents designated by the Executive Director as being necessary with the appropriate fee, thirty days prior to moving. Documents shall include but are not necessarily limited to: (1) evidence of satisfactory health inspection, (2) evidence of satisfactory fire inspection, (3) copy of lease, and (4) all physical material and building requirements given under Initial Authorization. Approval may be issued after the new facilities have been inspected and the application is complete. If a move is beyond 10 miles and a student is prevented from completing the training at the new location as determined by the Executive Director, a full refund of all moneys paid and a release from all obligations will be given to the student or loan holder.

Authority: T.C.A. §49-7-2006, 49-7-2007, 49-7-2008, 49-7-2013.

1540-1-2-.08 Regulations for Specific School Types, is amended by deleting subparagraphs (3) (a) and (b), part (3) (d) 2., subparagraph (3) (e), and paragraph (9) are deleted in their entirety and substituting instead the following language so that as amended, the new subparagraphs (3) (a) and (b), part (3) (d) 2., subparagraph (3) (e), and subparagraph (9) (a) shall read as follows:

- (3) (a) New institutions seeking authorization to offer degrees in the state of Tennessee or new program applications for a degree program must submit the application by the deadline date established by Commission staff, which shall be 45 to 90 days prior to the quarterly meeting of the Committee on Postsecondary Educational Institutions.
- (3) (b) All degrees offered must be approved by name and designation by the Commission. No institution may offer traditional degrees or professional degree designations such as those given in the definitions under “college” and “university” unless previously approved by a recognized regional accrediting body.

1. An exception may be approved by the Executive Director upon recommendation of

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Commission staff.

- (3) (d) 2. 25 percent to 50 percent of the total program, depending on the degree offered, must be in general education courses and should be indicated separately in the curriculum presented;
- (3) (e) Undergraduate degree programs must include at least 25 percent to 50 percent of the program in general education courses unless the institution can demonstrate program accreditation requirements which are less. Non-accredited institutions proposing to offer associate degree level programs which are technical in nature, and have less than 25 percent of general education courses must demonstrate to commission staff the benefit to students. All general education courses must be taught by holders of baccalaureate degrees with at least twenty-five percent of the general education staff with earned master's degrees or equivalent.
- (9) (a) The Tennessee State Board of Education or the Commission may request a dual review of any institution or business with physical presence in Tennessee offering courses related to but not limited to teacher (K-12) licensing, recertification or career ladder.

Authority: T.C.A. §49-7-2003, 49-7-2005, 49-7-2008.

1540-1-2-.09 Annual Renewal for Authorization is renamed Annual Reauthorization, and further that the rule is deleted in its entirety and substituting instead the following language so that as amended the rule shall read as follows:

- (1) All authorized institutions and institutions under Temporary or Conditional Authorization must submit a reauthorization application on a form provided by Commission staff. The annual authorization year will be from July 1 through June 30. The annual application is due each October 15 and must be accompanied by an annual fee as prescribed by these rules.
- (2) Reauthorization applications postmarked after October 15 or other due date will be assessed a late renewal fee as described in Rule 1540-1-2-.25 Fees.
- (3) For all authorized institutions and institutions under Temporary or Conditional Authorization, the reauthorization application must be accompanied by the following:
 - (a) any changes or additions to information previously submitted as part of the basis for authorization;
 - (b) copy of current catalog with major changes cited;
 - (c) the latest financial statement for the most recent institutional fiscal year as given under Financial Standards, 1540-1-2-.14 and shall include:
 - 1. a balance sheet (statement of financial position);
 - 2. statement of the results of institutional operation including gross amount of tuition and fees earned and total refunds during the fiscal year;
 - (d) a renewal fee (check or money order) made payable to the State of Tennessee for such fees as stated under these regulations;
 - (e) an enrollment report for the first enrollment period on or after July 1 of previous year through

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and including the last enrollment on or before June 30 of the current year;

- (f) a list of all institutional personnel including staff, instructors and agents;
- (g) summary data for the most recent institutional fiscal year on students participating in state or federal aid programs;
- (h) such other information or clarification deemed necessary by Commission staff for determination of authorization recommendations and study of institutional and/or enrollees or former enrollees.

Authority: T.C.A. §49-7-2005, 49-7-2006, 49-7-2014.

1540-1-2-.10 Required Minimum Standards, is amended by deleting paragraph (6) in its entirety and substituting instead the following language so that as amended paragraph (6) shall read as follows:

- (6) The maximum pupil teacher ratios acceptable, without special permission from the Commission, are:
 - (a) lecture: 40-1;
 - (b) business laboratory: 50-1 (such as accounting, typing, shorthand);
 - (c) technical and vocational theory: 40-1;
 - (d) technical lab: 40-1 (such as computer programming, data processing);
 - (e) vocational lab: 40-1 (such as auto mechanics, drafting, air conditioning);
 - (f) class A truck cab: 4-1; and
 - (g) class B truck cab: 2-1.

Authority: T.C.A. §49-7-2005, 49-7-2006.

1540-1-2-.11 Institutional Catalog, is amended by deleting subparagraphs (1) (o), (1) (p), (1) (r) and paragraphs (3) and (4) in their entirety and substituting instead the following language so that, as amended, subparagraphs (1) (o), (1) (p), (1) (r) and paragraphs (3) and (4) shall read as follows:

- (1) (o) in catalogs which describe educational programs conducted in Tennessee and with enrollment contracts used by programs outside of Tennessee, a statement provided within the first four pages of the catalog and on the signature page of enrollment contracts, which must read as follows:

“The (name of institution) is authorized by the Tennessee Higher Education Commission. This authorization must be renewed each year and is based on an evaluation by minimum standards concerning quality of education, ethical business practices, health and safety, and fiscal responsibility.”;
- (1) (p) a description of the student grievance procedure, a listing of the title, address, and telephone number of the institutional employee(s) designated to receive student complaints. If the

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institution used a mediation clause in its enrollment agreement, the catalog must describe the steps required of the student and/or the institution to initiate the mediation process. The address and telephone number of the Postsecondary staff of the Commission must be in the catalog for grievances not settled at the institutional level;

- (1) (r) for institutions that disseminate electronic copies of catalogs, a hard copy must be available upon request.
- (3) Catalogs should be written in a way and at a level which enables prospective enrollees to make informed decisions;
- (4) Less information may be required to be included in the institutional catalog or brochure when the applicant can satisfactorily demonstrate to the Commission that some of the above are not applicable; and

Authority: T.C.A. §49-7-2002, 49-7-2006.

1540-1-2-.12 Admissions Standards, is amended by deleting paragraph (2) in its entirety and substituting the following language so that paragraph (2) shall read as follows:

- (2) Students without a high school diploma or a GED may be admitted as an Ability-to-Benefit student into non-degree programs that are customarily not accepted for college credit if the student has terminated secondary enrollment and is beyond the age of compulsory attendance, subject to the following conditions:
 - (a) Applicants without a high school diploma or GED shall be tested.
 - (b) An exception to these testing provisions, however, may be created for:
 - 1. Individual applicants to non-degree programs where the following four conditions are met:
 - (i) The student does not receive federal or state financial aid.
 - (ii) The student's high school transcript is unavailable.
 - (iii) The program is short term and the costs are low.
 - (iv) Institutions or programs at an institution composed exclusively of subject matter that does not lend itself to an objective test, upon request, if approved by the Commission.
 - (c) Any test administered for purposes of determining admission shall be a standardized test recognized nationally or by the U.S. Department of Education with minimally acceptable scores as referenced in the test material or by the U.S. Department of Education or only in cases where a standardized test is not available, a non-standardized test developed by institutional officials and approved by the Commission staff with minimally acceptable scores approved by the Commission staff.
 - (d) Tests shall be administered in a secure environment (e.g., monitors present). Tests shall not be administered in a manner inconsistent with the manner (e.g., frequency) recommended by standardized test developers. Testing policies shall be stated along with the admissions

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policy published in the institutional catalog.

- (e) An agent is not allowed to administer the test, nor is anyone allowed to assist the applicant in answering the questions.
- (f) If the admission test reveals the student to be ineligible as an ability-to-benefit student, the student may be enrolled as a remedial student and may be charged for the remedial program on an hourly pro rata basis. The student is not obligated for the tuition and fees of the non-remedial regular program until the admission requirements are met. The minimum admission requirement for postsecondary education remain a high school diploma, GED, or a passing score on the admission exam.
- (g) Tests administered for purposes other than the determination of admissibility are not governed by 1540-1-2-.12 (2).

1540-1-2-.13 Enrollment Agreements and Disclosure Standards, is amended by deleting subparagraph (2) (a) and paragraph (9) in their entirety and substituting instead the following language so that, as amended, subparagraph (2) (a) and paragraph (9) shall read as follows:

- (2) (a) toured the institution (not applicable for institutions that deliver all instruction on-line);
- (9) Tuition increases that in the opinion of the Commission are excessive, unreasonable and exceeds initial disclosure to the student may be denied and/or result in an in depth audit of the institution at the school's expense to assure the Commission of financial stability.

Authority: T.C.A. §49-7-2006.

1540-1-2-.13 Enrollment Agreements and Disclosure Standards, is further amended by adding a new paragraph (10) to read as follows:

- (10) All tuition changes must be submitted on forms provided by the Commission and approved by commission staff prior to their inception.

Authority: T.C.A. §49-7-2006.

1540-1-2-.14 Financial Standards, is amended by deleting paragraph (6) in its entirety and substituting the following language and adding a new paragraph (9) so that paragraph (6) and the new paragraph (9) shall read as follows:

- (6) All authorized institutions must file each year the most recent audited financial statement, certified by an independent certified public accountant. For multi-campus institutions, or for institutions owned by one parent company, an audited consolidated corporate financial statement shall be routinely required. The staff, Committee, or Commission, however, may request additional campus or institution specific-information where needed to protect the public interest. The audited income statement must be compiled for each institution, or group of institutions owned by the same company, authorized to operate under the Act; the balance sheet must reflect owner's (proprietorship, partnership, corporation, other) assets and liabilities. In the preparation of these statements, it should be noted that goodwill is not generally considered a current asset unless it is being amortized; related parties must be disclosed; related party footnotes, debt agreements with owners, and supplemental footnotes on separate campuses or branches are expected. It

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should be noted whether or not tuition revenue is recognized up front or on a pro rata basis. Current financial statements on each site separately authorized under the Act must be filed annually. Neither the ratio of current fund revenues to current fund expenditures nor the ratio of current assets to liabilities, both site specific and corporate, where applicable, shall be less than 1:1. Institutions that have annual gross tuition revenue of \$100,000 or less may request a waiver of the audit contemplated by this section and provide the most recent financial information on forms provided by the Commission.

- (9) All institutions seeking authorization must maintain a business account with a financial institution that is federally insured in said institution's name.

Authority: T.C.A. §49-7-2006, 49-7-2015.

1540-1-2-.15 Institutional and Student Records, is amended by deleting paragraphs (2) and (5), subparagraph (6) (e), and paragraphs (7) and (8) and substituting instead the following language so that paragraphs (2) and (5), subparagraph (6) (e), and paragraphs (7) and (8) as amended shall read as follows:

- (2) A record of written student complaints must be maintained, including a copy of the complaint, subsequent documents, and a statement of the matter's disposition for a minimum of three years from the conclusion of said complaint.
- (5) Each institution must maintain a master student registration list, in table format, consisting of at least the following information for any person who signs an enrollment agreement financially obligating that person or makes a down payment to attend, or both:
- (6) (e) an up-to-date educational transcript for each enrollee in a form that permits easy and accurate review by the student, transfer schools, potential employers and authorized state or federal agencies. Transcripts must indicate the name and address of the institution and be signed by an appropriate institutional officer(s), (i.e., registrar, president, dean). The transcript shall be a permanent record of the student's progress and academic performance, which shall include, but not be limited to:
 - 1. full and complete name of the institution;
 - 2. full name of student;
 - 3. social security number;
 - 4. program or department of enrollment;
 - 5. status of student (e.g. active; withdrawal; probation; leave of absence; graduate etc.);
 - 6. an official date recorded for all student withdrawals and graduations;
 - 7. beginning date or academic term with the year for each course attempted, with a grade posted at the completion of the term or discrete contact hours for that course;
 - 8. as applicable to the type of school, credit hours earned or contact hours completed;
 - 9. actual name of each course (subject) with code numbers as given in institutional

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catalog;

10. indication of credits given by transfer from another institution or credit by exam;
 11. cumulative Grade Point Average (GPA);
 12. date the transcript was last updated and/or printed;
 13. appropriate signature(s);
- (7) The institution may maintain the above information by electronic storage provided that there is at least one complete updated 'backup' copy in a separate system or location, Commission staff and other authorized groups have complete and easy access to review student transcripts during site visits and the institution can print out any or all transcripts upon request.
- (8) For institutions with programs with no separation of courses by subject content, an exact copy of the certificate of completion may be placed in the student file in lieu of an academic transcript.

Authority: T.C.A. §49-7-2006, 49-7-2016.

1540-1-2-.16 Personnel and Instructor Qualifications, is amended by deleting paragraphs (1), (12), and (16) in their entirety and substituting instead the following language so that paragraphs (1), (12), and (16) as amended shall read as follows:

- (1) Commission staff approval is necessary for all instructors and administrative personnel. All instructors and administrative personnel qualifications must be submitted, on forms provided by the commission staff, no later than 10 days after new staff have been hired.
- (12) Minimum Requirements for Instructors of all authorized institutions:
 - (a) Instructors must provide evidence of experience and training higher than the level to be taught.
- (16) Agents and Recruiters:
 - (a) Institutional agents as defined by the Act and these regulations must submit an application, on forms provided by the Commission have authorization and an agent permit and secure the appropriate bond prior to any solicitation. The application must be accompanied by the following:
 1. recommendations by two reputable persons certifying that the applicant is of good character and reputation;
 2. a check payable to the State Treasurer of Tennessee as required under these regulations;
 3. a surety bond of \$5,000 per agent of an out-of-state institution or as specified in 1540-1-2-.07 of these rules; and
 4. certification by the institutional director that the applicant will be directed to act in accordance with these regulations.
 - (b) Agent permits must be renewed every year. The expiration date of a permit is one year

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from the date of issue or termination of employment whichever occurs first.

- (c) Agents must have separate permits to represent separate institutions. Mutual agreement by institutions is required.
- (d) All agents must verify by signature that they have read and are familiar with rules on advertising and solicitation and must verify intent to follow rules as set forth in Fair Consumer Practices.
- (e) Institutional directors, not marketing offices, are responsible for actions of agents.
- (f) The agent shall be under the control of the institution, and the institution is responsible for any representations or misrepresentations, expressed or implied, made by the agent.
- (g) Any student solicited or enrolled by a non-licensed agent is entitled to a refund of all moneys paid and a release of all obligations by the institution. Any contract signed by a prospective student as a result of solicitation or enrollment by a non-licensed agent shall be unenforceable at the option of the student. In cases where the institution is willing to honor the contract and the student wishes the contract enforced, it can be. However, in cases where the contract has been fully executed between the institution and the student, the student would not be entitled to a refund solely because he or she was solicited by a non-licensed agent.
- (h) An agent is prohibited from inappropriate activities in procuring enrollees including, but not limited to the following:
 - 1. administering the admission test;
 - 2. advising students about financial aid other than informing the student of the general availability of financial assistance;
 - 3. giving false, misleading, or deceptive information about any aspect of the institution's operation, job placement, or salary potential;
 - 4. representing that a program has sponsorship, approval, characteristics, uses, benefits, or qualities which it does not have;
 - 5. soliciting enrollments in a program which has not been approved by the Commission.
- (i) An agent must display the current permit to all prospective students and other interested parties.

Authority: T.C.A. §49-7-2002, 49-7-2006, 49-7-2009, 49-7-2011.

1540-1-2-.17 Cancellation and Refund Policy, is amended by deleting paragraphs (4) and (5) in their entirety and substituting the following language so that as amended paragraphs (4) and (5) shall read as follows:

- (4) The institution's refund policy shall be deemed by the Commission to be fair and equitable if:
 - (a) All or a portion of the tuition, fees, and other institutional charges assessed the student were paid or to be paid by student assistance programs sponsored by one or more governmental

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or private agencies or organization, including employer provided financial assistance, and the institution, as a condition of establishing eligibility for its students to participate in such programs, is required to adhere to a refund policy prescribed by the sponsor of the student assistance; or

- (b) If a student withdraws from the institution on or before the first day of classes, or fails to begin classes, the refund shall equal the sum of all amounts paid or to be paid by or on behalf of the student for the period of enrollment, less an administrative fee of one hundred dollars (\$100.00);
 - (c) For students not affected by subparagraph (4a), the institution may adopt and utilize the refund method for a student whose last day of attendance occurs prior to 60 percent of the period of enrollment, or such later point in time as the institution may select and be published in the institutional catalog. After completion of 60 percent of the period of enrollment the student may be deemed obligated for 100 percent of the tuition, fees and other charges assessed by the institution; or
 - (d) For students not affected by subparagraph (4a), the institution may propose a refund policy for approval by the Executive Director, if the policy can be demonstrated as a whole more favorable than subparagraph (c) ; or
 - (e) For a student enrolled in a program at a non-accredited institution, which is serial in nature, in which classes are offered one at a time, that cannot complete the individual class(es) that are part of a program for which the student was charged, the institution must refund the amounts paid or to be paid by or on behalf of the student for such individual class(es); or
 - (f) For a student who cannot complete one or more classes because the institution discontinued such class(es) during a period of enrollment for which the student was charged, the institution refunds the sum of all amounts paid or to be paid by or on behalf of the student for such class(es).
- (5) When computing refunds pursuant to the policies contained in subparagraph 4(c) and (d), the last day of attendance for a student shall be one of the following:
- (a) The date on the expulsion notice if a student is expelled from the institution; or
 - (b) The date the institution receives a written notice (including a signed drop form) of withdrawal from a student; or
 - (c) When no written notice of withdrawal is given, the institution shall use the last day of attendance as the date of withdrawal; or
 - (d) Fails to return from an approved Leave of Absence (LOA).

Authority: T.C.A. §49-7-2006, 49-7-2007, 49-7-2008, 49-7-2013.

1540-1-2-.18 Prohibited Acts, is amended by adding a new paragraph (6) that shall read as follows:

- (6) Non-accredited institutions shall not accept funds for tuition prior to ten business days of the scheduled start date of the class or program.

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Authority: T.C.A. §49-7-2006, 49-7-2007, 49-7-2008, 49-7-2013.

1540-1-2-.19 Fair Consumer Practices and Student Complaints, is amended by adding a new paragraph (1) and renumbering the subsequent paragraphs accordingly. The new paragraph (1) shall read as follows:

- (1) No discounting is allowed. All students must be charged the same price for all programs and classes regardless of their method of payment.

Authority: T.C.A. §49-7-2006, 49-7-2007, 49-7-2008, 49-7-2013.

1540-1-2-.20 Advertising and Solicitation, is amended by deleting paragraphs (2), (3), (4), (6), and (16) in their entirety and substituting the following language so that paragraphs (2), (3), (4), (6), and (16) as amended shall read as follows:

- (2) The Tennessee Higher Education Commission logo may not be used in any school advertising, brochures, telecommunications or institutional material.
- (3) Institutions authorized by the Commission that have presence, advertise or offer instruction via internet, world wide web or other electronic telecommunication means must state on the first 'page' (as registered with standard web/internet search engines) viewed by the consumer, "[name of school] is authorized for operation as a postsecondary educational institution by the Tennessee Higher Education Commission".
 - (a) In the case of an internet site, within the required statement given above, "Tennessee Higher Education Commission" must be an electronic link to the agency's web site at www.state.tn.us/thec.
- (4) No statement shall be made that the institution or its courses of instruction have been accredited unless the accreditation is identified and that of an appropriate recognized accrediting agency listed by the United States Department of Education.
- (6) All advertisements, except for radio, placed by an institution or its representatives seeking prospective students must include and clearly indicate the full and correct name of the institution, its address, and the city where the institution is located; radio advertisements must include the full and correct name of the institution and the city and state where the institution is located.
- (16) Classified advertising seeking prospective students must appear under "instruction," "education," "training," or a similarly titled classification and shall not be published under any "help wanted" or "employment" classification. (See special school section 1540-1-2-.08 (6) for truck driving)

Authority: T.C.A. §49-7-2006, 49-7-2007, 49-7-2008, 49-7-2013.

1540-1-2-.21 Authorization Status, is amended by deleting subparagraph (1) (c) and paragraph (2) in their entirety and substituting the following language so that subparagraph (1) (c) and paragraph (2) as amended shall read as follows:

- (1) (c) Temporary authorization allows ninety days for initiation of actual operation and enrollment of students and unless satisfactory reasons are forwarded by letter from the applicant for not beginning operation and enrolling students, the temporary authorization may be with-

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drawn. All new institutions must submit a status report ninety days after receipt of temporary authorization and submit annual reports on the annual reporting schedule which requires annual fees and reports due October 15 each year.

(2) Regular Authorization:

- (a) Institutions must be reauthorized annually on forms supplied by the Commission staff.

Authority: T.C.A. §49-7-2004, 49-7-2005, 49-7-2008, 49-7-2010.

1540-1-2-.22 Causes for Adverse Action, is amended by deleting subparagraph (1) (e) in its entirety and substituting the following language so that subparagraph (1) (e) shall read as follows:

- (1) (e) failure to provide or maintain premises and/or equipment in a safe and sanitary condition as required by laws, regulations, or ordinances applicable at the location of the institution;

Authority: *T.C.A. §49-7-2005 and 49-7-2010.*

1540-1-2-.23 Institutional Closure, is amended by deleting paragraph (1), part (5) (a) 2., and paragraph (6) in their entirety and substituting the following language so that as amended paragraph (1), part (5) (a) 2., and paragraph (6) shall read as follows:

- (1) When an authorized postsecondary educational institution proposes to discontinue its operation, such institution shall notify the Commission staff within 24 hours of that decision and shall submit to Commission staff within 3 days (or other deadline established by Commission staff) a plan to fulfill all obligations given below. Such plan shall include but not be limited to:
 - (a) Anticipated date to terminate teaching activity;
 - (b) Ending date of present term;
 - (c) A listing by name of all students in all programs. Such list shall include student's social security number, address, and phone number, program enrolled in, and estimated graduation dates;
 - (d) The status of all current refunds due (the amount of unearned tuition paid by each student and for which the school is obligated);
 - (e) A verified agreement with one or more local institutions able to provide sound education to all students in all programs;
 - (f) Disposition and servicing of all student records as required by T.C.A. 49-7-2016.
 - (g) A request for conditional authorization to operate where required.
 - (h) Completion of obligations as designated by Commission staff by established deadlines.
 - (i) Submission of any information or materials related to the closure requested by staff.
 - (j) Demonstration that current educational obligations by the institution will be met on behalf of the presently enrolled students.

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- (5) (a) 2. exist or be provided in the same or reasonable geographic area as that in which the closed institution existed;
- (6) Disposition of Records:
- (a) Any institution ceasing operation must secure student educational transcripts by an arrangement with an authorized institution or make them available to the Commission.
 - (b) When academic transcripts from closed institutions are prepared for delivery to the Tennessee Higher Education Commission, such academic records, shall be sorted and separated by year, in alphabetical order, and physically contained in boxes 15 inches long, 12 inches wide, 10 inches high with tops and with handles, consistent with State of Tennessee Archives regulations.
 - (c) Financial aid records shall be sorted and separated by year, in alphabetical order, and physically contained in boxes 15 inches long, 12 inches wide, 10 inches high with tops and with handles, consistent with State of Tennessee Archives regulations.

Authority: T.C.A. §49-7-2002, 49-7-2005, 49-7-2016.

1540-1-2-.24 Tuition Guarantee Fund (TGF), is amended by deleting the rule in its entirety and substituting a new the following rule so that as amended the rule shall read as follows:

- (1) 'Tuition guaranty fund' or 'TGF' or 'fund' means the tuition guaranty fund created by TCA 49-7-2018.
- (2) All institutions authorized prior to July 1, 2006, shall pay into the Tuition Guaranty Fund for four consecutive years.
- (3) All institutions authorized on or after July 1, 2006, shall pay into the Tuition Guaranty Fund for six consecutive years.

Authority: T.C.A. §49-7-2005, 49-7-2018, *Public Chapter 766, Acts of 2006*.

1540-1-2-.25 Fees, is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read as follows:

- (1) All fees collected pursuant to the provisions of this part shall be deposited in the state treasury as a special agency account to administer the provisions of this part.
- (2) The Commission is authorized to adjust fees annually hereafter based on the intent to collect revenues sufficient to cover the cost of this regulatory function (e.g. travel, employee costs, legal costs, expert fees).
- (3) The fees to be collected by the Commission hereunder shall accompany an application for authorization to operate an institution or an application for an agent's permit, or other application required by these rules in accordance with the following schedule:
 - (a) Initial Authorization Application \$2,500
Each Proposed Program \$300
 - (b) Authority to Grant Degrees \$1,000

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- (c) New Programs\$300
 - (d) Agent Fee In-State\$100
 - (e) Agent Fee Out-of-State\$200
 - (f) Change of Address\$300
 - (g) Change of Institutional Name\$300
 - (h) Non-compliance Fines (per day, per violation)\$500
 - (i) Late Renewal Fees (in addition to base renewal fee)\$500
- (4) Reauthorization fees for in-state institutions are based upon an institution's annual gross tuition revenue collected from July 1st to June 30th of the previous year. Reauthorization fees for out-of-state institutions are based on an institution's annual gross tuitions collected from Tennessee students from July 1st to June 30 of the previous year. In each instance the reauthorization fee shall be assessed according to the following schedule: –

1.	\$0	\$100,000	\$350
2.	100,001	200,000	700
3.	200,001	300,000	1,050
4.	300,001	400,000	1,400
5.	400,001	500,000	1,750
6.	500,001	600,000	2,100
7.	600,001	700,000	2,450
8.	700,001	800,000	2,800
9.	800,001	900,000	3,150
10.	900,001	1,000,000	3,500
11.	1,000,001	1,100,000	3,850
12.	1,100,001	1,200,000	4,200
13.	1,200,001	1,300,000	4,350
14.	1,300,001	1,400,000	4,500
15.	1,400,001	1,500,000	4,650
16.	1,500,001	1,600,000	4,800
17.	1,600,001	1,700,000	4,970
18.	1,700,001	1,800,000	5,140
19.	1,800,001	1,900,000	5,310
20.	1,900,001	2,000,000	5,480
21.	2,000,001	2,100,000	5,650
22.	2,100,001	2,200,000	5,820

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23.	2,200,001	2,300,000	5,990
24.	2,300,001	2,400,000	6,160
25.	2,400,001	2,500,000	6,330
26.	2,500,001	2,600,000	6,500
27.	2,600,001	2,700,000	6,570
28.	2,700,001	2,800,000	6,640
29.	2,800,001	2,900,000	6,710
30.	2,900,001	3,000,000	6,780
31.	3,000,001	3,100,000	6,850
32.	3,100,001	3,200,000	6,920
33.	3,200,001	3,300,000	6,990
34.	3,300,001	3,400,000	7,060
35.	3,400,001	3,500,000	7,130
36.	3,500,001	3,600,000	7,200
37.	3,600,001	3,700,000	7,400
38.	3,700,001	3,800,000	7,600
39.	3,800,001	3,900,000	7,800
40.	3,900,001	4,000,000	8,000
41.		>4,000,000	8,000 + .0001 of gross tuition over \$ 4,000,000

- (5) If an institution withdraws its pending application as a new institution, renewal applicant, or a new program within 3 working days from receipt, or prior to staff review and/or a site visit then all fees assessed shall be refunded. After three days and once staff review begins the following shall apply:
- (a) For in-state institutions making initial application, the Commission may retain 50 percent of the assessed fees if staff has reviewed the submitted materials. Once the site visit has been conducted no refund of assessed fees is possible.
 - (b) For out-of-state institutions making initial application, the Commission may retain 100 percent of the assessed fees if staff has reviewed the submitted materials.
 - (c) Any institution that voluntarily or involuntarily defers an application before the Committee and fails to complete the application process in the established time deadline given under Institutional Applications (1540-1-2-.07) shall forfeit all fees paid.
 - (d) Any other fee collected is nonrefundable once Commission staff had performed the associated review or work related to that fee.

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DEPARTMENT OF HUMAN SERVICES - 1240 ADULT AND FAMILY SERVICES DIVISION

There will be a hearing before the Tennessee Department of Human Services to consider the promulgation of amendments pursuant to T.C.A. §§ 4-5-202 and 71-3-501 et seq. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in the 2nd Floor Conference Room, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee, at 6:30 p.m., Central Time, on the 17th day of August, 2006.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact should be made no less than ten (10) days prior to the scheduled meeting date or the date the party intends to review such filings, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services' ADA Coordinator, Hing Hoskins, 400 Deaderick Street, 3rd Floor Nashville, Tennessee 37248 and (615) 313-5554.

For a copy of this Notice of Rulemaking Hearing, contact: William B. Russell, General Counsel, Department of Human Services, Citizens Plaza State Office Building, 400 Deaderick Street, 15th Floor, Nashville, Tennessee, 37248, telephone number (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

ADULT AND FAMILY SERVICES DIVISION CHAPTER 1240-4-2 LICENSURE RULES FOR DROP-IN CHILD CARE CENTERS

AMENDMENTS

Subparagraph (d) of paragraph (9) of subchapter 1240-4-2-.02, Definitions, is amended by deleting subparagraph (d) in its entirety and by substituting instead the following new language, so that, as amended, subparagraph (d) shall read as follows:

- (d) A "drop-in center" differs from a "family child care home," a "group child care home," and a "child care center," in that a "drop-in center" is designed to provide short-term child care, not to exceed the limitations specified in paragraph (15) below. Child care provided in the other three (3) specified categories of child care agencies is not subject to the limitations of paragraph (15).

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-501(8), (9) and (10); 71-3-502(a)(2) and 71-3-501 et seq.

Paragraph (15) of subchapter 1240-4-2-.02, Definitions, is amended by deleting paragraph (15) in its entirety and by substituting instead the following new language, so that, as amended, paragraph (15) shall read as follows:

- (15) Drop-In Child Care Center.

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- (a) A place or facility operated by any person or entity providing child care for fifteen (15) or more children at the same time, none of whom are related to the primary caregiver, for short periods of time as follows:
 - 1. Workweek Care.
 - (i) Provided during regular working hours, Monday through Friday, 6:00 a.m. to 6:00 p.m.
 - (ii) No individual child may be in child care for more than seven (7) hours per day or fourteen (14) hours per week, exclusive of snow days.
 - 2. Evening and Weekend Care.
 - (i) Provided weekday evenings after 6:00 p.m. and weekends beginning on Friday at 6:00 p.m. and ending on Sunday at 10:00 p.m.
 - (ii) An individual child may receive care in excess of seven (7) hours per day, but may not receive care in excess of a total of twenty (20) hours per week, exclusive of snow days.
 - 3. Exception for Snow Days. Drop-in care for school age children may exceed the maximum hours listed in parts 1 and 2, above, during snow days.
- (b) Notwithstanding any other provision of this chapter to the contrary, drop-in centers operated by not-for-profit organizations that provide child care without compensation for no more than two (2) hours per day with a maximum of ten (10) hours per week, while the parent or other custodian is engaged in short-term activities on the premises of the organization, shall register as providing “casual care” and shall not be deemed to be, or regulated as, a drop-in center.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-501(8); 71-3-502(a)(2); and 71-3-501 et seq.

Subchapter 1240-4-2, Definitions, is amended by adding the following language as the new paragraph (27) and by renumbering all paragraphs, thereafter, as appropriate:

- (27) Snow Day. For purposes of this chapter, a “snow day” is defined as a day when the affected child’s school is officially closed by the school system due to weather, teacher in-service, etc.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-501(8); 71-3-502(a)(2); and 71-3-501 et seq.

Subparagraph (c) of paragraph (6) of subchapter 1240-4-2-.04, Ownership, Organization and Administration, is amended by deleting subparagraph (c) in its entirety and by substituting instead the following new language so that, as amended, subparagraph (c) shall read as follows:

- (c) No child shall be accepted into child care in excess of the maximum allowable hours as set forth in paragraph 1240-4-2-.02(15). The drop-in center shall maintain and make available to the Department attendance records verifying that no child receives care in excess of the maximum allowable hours.

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Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-501(8); 71-3-502(a)(2); and 71-3-501 et seq.

Paragraph (7) of subchapter 1240-4-2-.04, Ownership, Organization and Administration, is amended by re-designating existing paragraph (7) as paragraph (8) and by adding the following new language as a new paragraph (7) so that, as amended, the new paragraph (7) shall read as follows:

- (7) Care of School-Age Children on Snow Days.
 - (a) A drop-in center may not accept any school-age child for care unless:
 - 1. The Department has previously determined that the center is an appropriate and safe location for school-age children on snow days.
 - 2. The drop-in center applied for, and was granted, a license which specifically authorizes the licensee to provide such care. Any such authorization to provide such care shall be noted on the license.
 - (b) The Department shall set a limit on the number of school-age children that a center may accept at any given time based upon the amount of space that the center has available.
 - (c) No child thirteen (13) years of age or older may be cared for by a drop-in center on a snow day.
 - (d) In order to assure that the center is capable of providing safe care to the additional numbers of children needing care during school closings, the center shall annually provide the Department with an updated list of trained caregivers and staff available for emergency call duty.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-501(15); 71-3-502(a)(2); 71-3-534; and 71-3-501 et seq.

Part 1 of subparagraph (b) of paragraph (4) of subchapter 1240-4-2-.04, Ownership, Organization and Administration, is amended by adding a new subpart (viii), so that, as amended the new subpart shall read as follows:

- (viii) Verification of the status check on the Department of Health's Vulnerable Persons Registry required by Rule 1240-4-2-.05(e)4.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-502(a)(2); 71-3-507 and 71-3-501 et seq.

Subparagraph (e) of paragraph (1) of Rule 1240-4-2-.05, Staff Requirements, is amended by deleting subparagraph (e) in its entirety and by substituting instead the following new language so that, as amended the paragraph shall read as follows:

- (e) Criminal History Background Review and Abuse Registry Requirements; Exclusions from Contact with Children, Waivers from Exclusions; Appeals of Waiver Denials.
 - 1. Individuals Requiring a Fingerprint Criminal History Background Review and Abuse (Vulnerable Persons) Registry Check:

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- (i) Any individual applying to work as a paid employee, director or manager of the child care agency in a position that will require or allow the individual to have contact with children at any time;
 - (ii) Any individual applying to work as a new substitute and who is expected to offer, or who provides, at least thirty-six (36) hours of substitute services to the agency in any calendar year;
 - (iii) Any individual applying for a license to operate a child care agency that is not the renewal of an existing license, or any individual who otherwise seeks to be an operator, as defined by the rules of the Department, of a child care agency, as defined in T.C.A. § 71-3-501, and who will, in the course of their role as licensee, have significant contact, as determined by the Department, with the children in care. For purposes of this paragraph, "operator" shall be an individual who is an owner or administrator of a child care agency or child care system;
 - (iv) Residents of a New Agency. Any individual who is a resident of the child care agency and who is fifteen (15) years of age or older upon the date the agency receives its initial temporary license or, if the agency has been issued an annual license, then upon the date the agency received its annual license; and
 - (v) New Residents of an Existing Agency. Any individual who is fifteen (15) years of age or older upon moving into a licensed/approved child care agency.
2. Pending outcome of the criminal history background review as described in this paragraph, and the outcome of the review of the individual's status on the Department of Health's Vulnerable Persons Registry, the applicant for employment or a substitute or volunteer position, or for a license to operate, shall be conditional and shall be dependent upon the results of these background checks.
3. Requirements for Submission of a Fingerprint Sample.
- (i) Criminal History Disclosure Form. Individuals identified in subparagraph (a) shall complete and sign the Criminal History Disclosure Form provided by the Department.
 - (I) The failure to properly complete all sections of the Criminal History Disclosure Form shall result in the individual being prohibited from working, substituting, residing in or acting as a licensee for the child care agency.
 - (II) The failure to disclose all criminal history information may result in the individual being:
 - I. Excluded from working, directing, managing, operating, substituting, volunteering, residing in or acting as a licensee in any child care agency licensed by the Department; and
 - II. Referred for criminal prosecution pursuant to the provisions of state law.
 - (ii) Fingerprint Sample. The child care agency shall be responsible for obtaining and submitting the fingerprint sample of any person required by this Chapter in the form and manner directed by the Department:

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- (I) Within ten (10) calendar days of the first day of beginning employment or substitute status;
 - (II) Within ten (10) calendar days of the license application or seeking operator status;
 - (III) Within ten (10) calendar days of the application for an initial license for a facility in which the person resides; or
 - (IV) Within ten (10) calendar days after the resident moves into the child care facility.
- (iii) Unless otherwise notified by the Department, the child care agency shall be responsible for all costs associated with obtaining the fingerprint sample, and the Department will pay for the costs of the criminal background check by the Tennessee Bureau of Investigation.
4. Vulnerable Persons Registry. The child care agency shall be responsible for determining, within the same time periods as set forth in subpart (e)3(ii) above, the status on the Department of Health's Vulnerable Persons Registry of any individual who is required by part 1 above to undergo a criminal history background review. Verification of such status check shall be maintained in the employee's record pursuant to the requirements set forth in 1240-4-2-.04(4)(b).
- (f) Exclusion of Persons from Contact with Children.
1. Prohibited Criminal or Abuse or Neglect History.
- (i) No individual with a prohibited criminal history as defined below, regardless of whether such individual is required by these rules to undergo a criminal history background review, may work, substitute or volunteer in a child care agency, or be a resident, licensee, director or manager of a child care agency who has access to children, or be an operator who has significant contact with children or otherwise have unrestricted access to children in any manner whatsoever.
 - (ii) An individual shall be immediately and automatically excluded from child care or any contact whatsoever with children, as described above, if the individual's criminal history includes:
 - (I) A criminal conviction or a no-contest or guilty plea; or any pending criminal action, including individuals subject to any warrant, indictment, presentment, etc.; or placement in a pretrial diversion; or,
 - (II) A pending juvenile action or previous juvenile adjudication, which, if an adult, would constitute a criminal offense; and
 - (III) Any of the circumstances in items (I) or (II) above involves any of the following criminal offenses:
 - I. Any offense (including a lesser included offense) involving the physical, sexual or emotional abuse or gross neglect of a child, or involving a threat to the health, safety or welfare of a child;

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- II. Any offense (including a lesser included offense) involving violence or the threat of violence against another person; and/or
 - III. Any offense (including a lesser included offense) involving the manufacture, sale, distribution or possession of any drug.
- (iii) An individual shall also be immediately and automatically excluded from child care or from access in any manner whatsoever to the children in the care of the agency, if the individual:
- (I) Reveals a prohibited or potentially prohibited criminal history on the Criminal History Disclosure Form; or
 - (II) Is listed on the Department of Health's Vulnerable Persons Registry; and/or
 - (III) Is known to the management or licensee of a child care agency as a perpetrator of child abuse or child sexual abuse or to have a prohibited criminal history, or who is identified to the child care agency's management or licensee by the Department of Human Services or by the Department of Children's Services as a validated perpetrator of abuse of a child based upon an investigation conducted by the Department of Children's Services or by the child protective services agency of any other state; or, who at anytime is identified by any person or entity to the child care agency's management or licensee and is confirmed by the Department of Human Services as having a prohibited criminal history.
- (iv) Exclusion from driving duties. An individual with a prohibited history as set forth below shall be immediately and automatically excluded from providing driving duties on behalf of the child care agency if the individual:
- (I) Has a pending criminal action (including warrants, indictments, presentments, etc.), is completing a pretrial diversion, or has been convicted of or pled guilty to any offense involving the use of a motor vehicle while under the influence of any intoxicant, which constitutes a violation of T.C.A. §§ 39-13-213; 55-10-101; 55-10-102 or 55-10-401; or
 - (II) Has been convicted of or pled guilty to any felony involving the use of a motor vehicle while under the influence of any intoxicant. In such case, the individual shall not be employed or otherwise serve as a driver for a child care agency for a period of five (5) years from the date of the conviction or guilty plea.
- (v) Exclusions for Child Neglect. An individual who has been identified by the Department of Children's Services as having neglected a child based on an investigation conducted by that Department or any child protective services agency of any state, and who has not been criminally charged or convicted or pled guilty or no-contest as stated above, shall be supervised by another adult while providing care for children.
2. The child care agency shall immediately, upon receipt, review the results of the criminal history background review and Vulnerable Persons Registry and shall immediately exclude any individual with a prohibited history as directed by the Department.

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3. Failure to exclude individuals with a criminal history or abuse or neglect finding.

Failure to immediately exclude any individual subject to exclusion or supervision pursuant to this subchapter and T.C.A. § 71-3-507, as directed by the Department, may result in the immediate suspension, denial or revocation of the child care agency's license.

(g) Waivers from Exclusions Due to Criminal or Abuse or Neglect History.

1. Any person who is excluded or whose license is denied based upon the results of the criminal history background review, or based upon any other determination, may request in writing to the Department's Director of Licensing within ten (10) calendar days of receiving notice of such exclusion or denial a waiver from these automatic exclusion requirements.
2. Excluded individuals, prior to receiving official notice of the exclusion or denial from the Department, may also make a written request for a waiver by letter or directly on the Department's Criminal History Disclosure Form.
3. Requests for a waiver shall state the basis for the request, including any extenuating or mitigating circumstances that would, in the person's opinion, clearly warrant an exemption from the exclusion. Any documentary evidence may also be submitted with the request.
4. Requests for waivers shall be heard by an advisory committee and reviewed by the Department in accordance with the provisions of T.C.A. § 71-3-507.
5. Any person who is excluded from providing care or services to children under any provisions of this subchapter shall remain excluded pending the outcome of any exemption review and appeals.

(h) Supplemental Background Checks.

1. The Department may, at anytime, request that the criminal background or status on the Department of Health's Vulnerable Persons Registry of any individuals having access to children under any of the circumstances set forth in this subchapter be reviewed using the processes described above or in T.C.A. § 71-3-507. All other provisions applicable to any pre-employment or post-employment, residential or access status of any individual shall apply to any background review conducted pursuant to this subparagraph (h).
2. The employment status of persons for whom a post-employment criminal history background review was conducted, or the status of existing licensees or operators, substitutes, volunteers or residents of a child care agency for whom a criminal history background review was conducted after license approval or after employment or assuming duties as a volunteer or substitute, and who were not otherwise subject to a pre-status applicant background check and to the exclusionary provisions provided in this subchapter, shall be governed by the provisions of this subchapter and T.C.A. § 71-3-507.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-502(a)(2); 71-3-507 and 71-3-501 et seq.

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Subparagraph (f) of paragraph (2) of Rule 1240-4-2-.05, Staff Requirements, is amended by deleting subparagraph (f) in its entirety and by substituting instead the following new language so that, as amended, the paragraph shall read as follows:

- (f) Training.
 - 1. Notwithstanding any other requirements of Title 71, Chapter 3, Part 5 of the Tennessee Code Annotated, training requirements for the staff of any Drop-In Child Care Center shall be limited to basic health and safety precautions as well as the detection and reporting of child abuse and neglect for children in the center's care.
 - 2. Within the first thirty (30) days of employment, all staff working with children shall receive training in the detection, reporting, and prevention of child abuse. Such training shall be documented in the agency's records.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-502(a)(2); and 71-3-501 et seq.

Paragraph (13) of Rule 1240-4-2-.08, Health and Safety, is amended by deleting paragraph (13) in its entirety and by substituting the following language, so that, as amended, the paragraph shall read as follows:

(13) Duty to Report Child Abuse and Neglect.

- (a) Duty to Report.
 - 1. Every operator, owner, licensee, director, or staff member of, or substitute staff member or volunteer in a child care agency licensed by the Department of Human Services is individually responsible, and is required by T.C.A. §§ 37-1-403 and 37-1-605, to immediately report any reasonable suspicion of child abuse or neglect to the Department of Children's Services, local law enforcement or the judge of the juvenile court in the county of the child's residence.
 - 2. Determining Suspicion of Abuse/Neglect.
 - (i) Due to both the immediate risk to children's safety, as well as to the extreme risk of destroying or losing critical evidence, the agency and/or individual staff shall not delay reporting possible abuse or neglect in an attempt to conduct an investigation to verify the abuse/neglect allegations.
 - (ii) In determining a reasonable suspicion for purposes of reporting, the agency shall limit questioning of the child and may make only the most basic inquiries necessary to determine if any reasonable possibility of abuse or neglect exists.
 - (iii) The agency does not have to, and shall not attempt to, validate (or "prove") the allegation prior to making a report as required by this paragraph (13). A final determination of the validity of the report of abuse or neglect shall be made exclusively by the Department of Children's Services and/or by law enforcement based upon the report by the child care agency's staff.
 - 3. Each center shall develop procedures, approved by the Department of Human Services in conformity with DCS policy, for staff to follow to report suspected abuse and neglect.

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4. Any statement from a child reasonably indicating abuse/neglect of that child or another child or any evidence of abuse/neglect observed on a child shall be immediately reported by staff to the Department of Children's Services in a manner specified by that department, to local law enforcement or to the judge of the juvenile court in the county of the child's residence.
- (b) The telephone numbers of the Department of Children's Services, the local law enforcement or the juvenile judge of the county of the child's residence for staff to call to report suspected abuse and neglect shall be posted in a conspicuous location by each telephone.
- (c) Prohibited Procedures for Reporting Suspected Child Abuse/Neglect/Penalties.
 1. The agency shall not develop or implement a policy that inhibits, interferes with or otherwise affects the duty of any staff, including substitutes and volunteers, to report suspected abuse or neglect of a child as required by subparagraph (a) above and T.C.A. §§ 37-1-403 and 605, and shall not otherwise directly or indirectly require staff to report to the agency management or seek the approval of agency management prior to any individual staff member reporting the suspected abuse or neglect.
 2. A report of suspected child abuse or neglect of a child enrolled in the child care agency by the operator, owner, licensee, director or staff member of, or substitute staff member or volunteer in, a child care agency shall not be made to any other entities or persons, including, but not limited to, hospitals, physicians, or educational institutions as an alternative to or substitute for the reporting requirements to the persons or entities specifically listed in subparagraph (a) above.
 3. The operator, owner, licensee, director, or staff member of, or substitute staff member or volunteer in, the child care agency shall not suggest to, advise or direct a parent or caretaker of a child enrolled in the child care agency to make a report of suspected child abuse or neglect regarding that parent's or caretaker's own child who is enrolled in the child care agency as a means of fulfilling the duty of the operator, owner, licensee, director, or staff member of, or substitute staff member or volunteer in, the child care agency to report child abuse or neglect as required by T.C.A. §§ 37-1-403 and 37-1-605.
 4. Because the statutory requirements of T.C.A. §§ 37-1-403 and 37-1-605 do not authorize the prohibited procedures described in parts 1-3 of this subparagraph (c) to fulfill the statutory duty of any person, and especially the duty of those licensed by the State of Tennessee to care for and protect vulnerable children, to make timely and effective reports of child abuse and neglect to appropriate investigative agencies, and because the prohibited procedures described in parts 1-3 of this subparagraph (c) are completely unreliable procedures to ensure that the appropriate authorities are able to timely and satisfactorily investigate suspected child abuse or neglect, any action that does not comply in all respects with subparagraph (a) above will not fulfill the statutory duty to report child abuse or neglect and the licensing requirements of this Chapter.
 5. Failure to Report Properly Is Grounds for Suspension, Denial or Revocation of the Agency License.
 - (i) Failure to make the reports required by subparagraph (a) above or the use of the prohibited methods described in parts 1-3 of this subparagraph (c) as an attempt to fulfill the duty to report suspected child abuse or neglect, for children in

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the care of the child care agency are, by themselves, grounds for suspension, denial or revocation of the agency's license.

- (ii) If the facts establish by a preponderance of the evidence that there has not been strict compliance with the requirements of subparagraph (a) above or that the prohibited procedures described in parts 1-3 of this subparagraph (c) have been utilized as an alternative means of fulfilling the requirements of subparagraph (a) above, these circumstances shall create a rebuttable presumption for the Administrative Law Judge and the Child Care Agency Board of Review that the duty to report child abuse or neglect has not been fulfilled, and this ground for suspension, denial, or revocation of the agency's license by the Department of Human Services shall be sustained unless such presumption is rebutted by a preponderance of the evidence.
- (d) Agency Duties During Investigations of Child Abuse and Neglect; Custodial Authority of Children.
 - 1. Every operator, owner, licensee, director, or staff member of, or substitute staff member or volunteer in, a child care agency licensed by the Department of Human Services shall fully cooperate with all agencies involved in the investigation of child abuse or neglect, and with the Department of Human Services in efforts to provide protection for children enrolled in the child care agency.
 - 2. The agency shall provide access to records of children and staff.
 - 3. The agency shall allow appropriate investigators to interview children and staff.
 - 4. The agency shall not interfere with a child abuse and neglect investigation.
 - 5. The agency shall protect the child by requesting the investigator's identification.
 - 6. The agency shall maintain confidentiality of the investigation and shall not disclose the investigation or details of the investigation except as required to carry out procedures for the protection of children or as otherwise directed by the Department of Children's Services, law enforcement or the Department of Human Services.
- (e) Upon notification of a pending abuse/neglect investigation of any agency staff member or resident of a home-based center, the agency shall enter into a Safety Plan with the Department regarding the individual's access to the agency and to children in the care of the agency.
- (f) All agency staff, including non-caregiving staff, shall receive training every six (6) months regarding procedures to report child abuse and neglect.

Authority: T.C.A. §§ 4-5-202; 71-1-105(5) and (12); 71-3-502(a)(2); 71-3-507 and 71-3-501 et seq.

The Notice of Rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2006. (06-42)

RULEMAKING HEARINGS

TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT - 0800

Division of Workers' Compensation

There will be a hearing before the Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, to consider the promulgation of amendments to rules pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-204, 50-6-204, 50-6-205 and 50-6-233. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Media Room, on the Third Floor of the W.R. Snodgrass (Tennessee) Tower, 312 8th Ave. North, Nashville, Tennessee 37243 at 1:00 p.m. CDST on the 19th day of September, 2006.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Department of Labor and Workforce Development, Division of Workers' Compensation, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department's ADA Coordinator, Mr. Jewel Crawford, at Andrew Johnson Tower, 8th Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0655 and (615) 741-8805.

For a copy of the entire text of this notice of rulemaking hearing contact: Rhonda Hutt, Administrative Assistant, Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, Andrew Johnson Tower, Second Floor, 710 James Robertson Parkway, Nashville, TN 37243-0661, (615) 532-1471.

SUBSTANCE OF PROPOSED AMENDMENTS TO RULES

CHAPTER 0800-2-18_ MEDICAL FEE SCHEDULE

AMENDMENTS

0800-2-18-.02 GENERAL INFORMATION AND INSTRUCTIONS FOR USE

Subparagraph (a) of paragraph (2) of rule 0800-2-18-02 General Information and Instructions for Use is amended by adding and inserting in after the third sentence which ends with the words "correct amount" the following: "For purposes of these Rules, the base Medicare amount may be adjusted upward annually based upon the annual Medicare Economic Index adjustment, but the maximum allowable amount of reimbursement under these Rules shall not fall below the effective 2005 Medicare amount for at least two (2) years from 2005," so that as amended the subparagraph shall read:

- (a) Unless otherwise indicated herein, the most current, effective Medicare procedures and guidelines are hereby adopted and incorporated as part of these Rules as if fully set out herein and effective upon adoption and implementation by the CMS. Whenever there is no specific fee or methodology for reimbursement set forth in these Rules for a service, diagnostic procedure, equipment, etc., then the maximum amount of reimbursement shall be 100% of the most current effective CMS' Medicare allowable amount. The most current effective Medicare guidelines and procedures shall be followed in arriving at the correct amount. For purposes of these Rules, the base Medicare amount may be adjusted upward annually based upon the annual Medicare Economic Index

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adjustment, but the maximum allowable amount of reimbursement under these Rules shall not fall below the effective 2005 Medicare amount for at least two (2) years from 2005. Whenever there is no applicable Medicare code or method of reimbursement, the service, equipment, diagnostic procedure, etc. shall be reimbursed at the usual and customary amount as defined in the Medical Cost Containment Program Rules at 0800-2-17-.03(80).

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Part 3. of subparagraph (b) of paragraph (2) of rule 0800-2-18-02 General Information and Instructions for Use is amended by deleting the words “contracted or other lower price;” and adding in its place the words “other contracted price” so that as amended the part shall read:

3. The MCO/PPO or any other contracted price;

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Subparagraph (a) of paragraph (4) of rule 0800-2-18-02 General Information and Instructions for Use is amended by deleting the words “100% of Medicare’s LUPA” and replacing it with the words “Usual and Customary Amount,” so that as amended the subparagraph shall read:

- (a) The conversion factors applicable under this Medical Fee Schedule are:

	<u>Conversion Factor</u>	<u>As a Percentage of National Medicare</u>
Anesthesiology.....	Usual and Customary Amount	
Chiropractic Care.....	\$49.27	130%
Dentistry.....	\$37.90	100%
General Surgery.....	\$75.80	200%
Home Health Care.....	Usual and Customary Amount	
Home Infusion.....	Usual and Customary Amount	
Gen. Medicine (includes unlisted specialties, Evaluation & Management, etc.)		
Office visits, E&M, etc. CPT codes	\$60.64	160%
Emergency care CPT codes	\$75.80	200%
Neurosurgery (board-eligible or certified physicians)	\$104.14	275%
(Surgery by non-board eligible physicians paid general surgery rate)		
Orthopedic Surg. (board-eligible or cert. physicians)	\$104.14	275%
(Surgery by non-board eligible physicians paid general surgery rate)		
Pathology.....	Usual and Customary Amount	
Physical and Occupational Therapy		
For First 6 visits	\$56.85	150%
Visits 7-12	\$49.27	130%
Visits over 12	\$37.90	100%

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Radiology.....\$75.80 200%

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Subparagraph (b) of paragraph (4) of rule 0800-2-18-.02 is amended by deleting the following at the end of the paragraph, “** ‘LUPA’ refers to the Medicare rates for low utilization Payment Adjustment,” so that as amended the subparagraph shall read:

- (b) The appropriate conversion factor must be determined by the type of CPT code for the procedure performed in all cases except those involving orthopedic and neurosurgery. The appropriate conversion factor for all surgical CPT codes for surgical procedures by any physician other than certified and board-eligible neurosurgeons and orthopedic surgeons is \$75.80, (200% of national Medicare rates). Board-eligible and certified neurosurgeons and orthopedic surgeons shall use the neurosurgery and orthopedic surgery conversion factors for all surgery CPT codes. Evaluation and management CPT codes require the use of the associated conversion factor of \$60.64 (160% of National Medicare rates) by all physicians, including neurosurgeons and orthopedic surgeons.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

0800-2-18-.07 AMBULATORY SURGICAL CENTERS AND OUTPATIENT HOSPITAL CARE (INCLUDING EMERGENCY ROOM FACILITY CHARGES)

Subparagraph (h) of paragraph (1) of rule 0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges) is amended by deleting the current language in its entirety and adding a new subparagraph (1)(h), adding and inserting a new subparagraph (1)(i) and renumbering the current subparagraphs (1)(i), (1)(j), (1)(k) and (1)(l) so that as amended the subparagraphs shall read:

- (h) Facility services do not include (the following services may be billed and reimbursed separately from the facility fees, if allowed under current Medicare guidelines, with the exception of implantables, which at the discretion of the facility shall be billed and reimbursed separately in all cases and in all settings unless they are billed and reimbursed as part of a package or bundled charge):
 - 1. Physician services
 - 2. Laboratory services
 - 3. Radiology services
 - 4. Diagnostic procedures not related to the surgical procedure
 - 5. Prosthetic devices
 - 6. Ambulance services
 - 7. Orthotics
 - 8. Implantables

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9. DME for use in the patient's home
 10. CRNA or Anesthesia Physician Services (supervision of CRNA is included in the facility fee)
 11. Take home medications
 12. Take home supplies
- (i) For cases involving implantation of medical devices, the facility shall at their discretion for each individual patient case, choose to bill and shall subsequently be reimbursed at either:
1. 150% of the entire Medicare OPPS payment as described above; or
 2. 150% of the non-device portion of the APC within the Medicare OPPS payment and separately bill and be reimbursed for implantable medical devices as described under Rule 0800-2-18-.10.
- (j) The listed services and supplies in subsection (1)(h) above shall be reimbursed according to the Medical Fee Schedule Rules, or at the usual and customary amount, as defined in these Rules, for items/services without an appropriate Medicare payment amount and not specifically addressed in the Medical Fee Schedule Rules.
- (k) There may be occasions in which the patient was scheduled for out patient surgery and it becomes necessary to admit the patient. All ambulatory patients who are admitted to the hospital and stay longer than 23 hours past ambulatory surgery will be paid according to the In-patient Hospital Fee Schedule Rules, Chapter 0800-2-19.
- (l) Pre-admission lab and x-ray may be billed separately from the Ambulatory Surgery bill when performed 24 hours or more prior to admission, and will be reimbursed the lesser of billed charges or the payment limit of the fee schedule. Pre-admission lab and radiology are not included in the facility fee.
- (m) Facility fees for surgical procedures not listed shall be reimbursed BR with a maximum of the usual and customary rate as defined in the Division's Rule 0800-2-17-.03(80).

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

0800-2-18-.09 PHYSICAL AND OCCUPATIONAL THERAPY GUIDELINES

Paragraph (1) of rule 0800-2-18-.09 Physical and Occupational Therapy Guidelines is amended by deleting the word "of" before "\$10,000" in the first sentence, replacing it with the words "up to" before "\$10,000.00," and adding the following at the end of the first sentence after the word "Commissioner," " , for any physician who is not validly and currently board-certified by the American Board of Medical Specialties in one of the following four (4) specialties to refer a patient to a "physician-affiliated" facility for physical therapy or occupational therapy: Orthopedic Surgery, Neurological Surgery, Physiatry or Occupational Medicine. Supporting written documentation shall be maintained showing all patients have been fully informed they have the right to go to a facility of their choosing and full disclosure in writing shall be made of any financial or beneficial interest held by any physician referring a patient to a physician-affiliated facility," so that as amended the paragraph shall read:

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- (1) It shall be a violation of these Rules, and may result in a civil penalty of up to \$10,000.00 per violation, as determined by the Commissioner, for any physician who is not validly and currently board-certified by the American Board of Medical Specialties in one of the following four (4) specialties to refer a patient to a “physician-affiliated” facility for physical therapy or occupational therapy: Orthopedic Surgery, Neurological Surgery, Physiatry or Occupational Medicine. Supporting written documentation shall be maintained showing all patients have been fully informed they have the right to go to a facility of their choosing and full disclosure in writing shall be made of any financial or beneficial interest held by any physician referring a patient to a physician-affiliated facility. For the purpose of these Medical Fee Schedule Rules, a “physician-affiliated” facility is one in which the referring physician (or her or his immediate family, which includes spouses, parents, children or spouses of children of the referring physician) or any of the referring physicians’ partners associated together in clinical practice has any type of financial interest, which includes, but is not limited to, any type of ownership, interest, debt, loan, compensation, remuneration, discount, rebate, refund, dividend, distribution, subsidy, or any other form of direct or indirect benefit of any kind, whether in money or otherwise. Any hospital-based PT or OT facility shall also be deemed “physician-affiliated” if the referring physician is an employee of such hospital in which the facility is located, or if he or she receives a benefit of any kind from the referral.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Subparagraph (a) of paragraph (1) of rule 0800-2-18-.09 Physical and Occupational Therapy Guidelines is amended by deleting the current language of the subparagraph in its entirety and adding a new subparagraph so that as amended the subparagraph shall read:

- (a) Notwithstanding any provision to the contrary, the physicians board-certified by the American Board of Medical Specialties in at least one of the four (4) medical specialties listed above in Rule 0800-2-18-.09(1) may refer a patient to a physician-affiliated facility if that physician determines it is in the patient’s best interest to refer the patient to a specific physician-affiliated facility for rehabilitation. Any physician may refer a patient to a physician-affiliated facility if there is no other physical therapy or occupational therapy facility within fifteen (15) miles of that patient’s residence or of the referring physician’s office.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Paragraph (2) of rule 0800-2-18-.09 Physical and Occupational Therapy Guidelines is amended by adding the following after the word “scale” at the end of the first sentence: “based on the number of visits. The number of visits shall start over whenever surgery related to the injury is performed,” so that as amended the paragraph shall read as follows:

- (2) Charges for physical and/or occupational therapy services shall be reimbursed on a sliding scale based on the number of visits. The number of visits shall start over whenever surgery related to the injury is performed. Reimbursement shall not exceed one hundred fifty percent (150%) of the participating fees prescribed in the Medicare RBRVS System fee schedule (Medicare Fee Schedule) for the first six (6) visits, and shall not exceed one hundred thirty percent (130%) for visits 7 through 12. For all visits after visit 12, reimbursement shall not exceed one hundred percent (100%).

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Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Paragraph (5) of rule 0800-2-18-.09 Physical and Occupational Therapy Guidelines is amended by adding additional language at the end of the paragraph so that as amended the paragraph shall read as follows:

- (5) For any procedure for which an appropriate Medicare code is not available, such as a Functional Capacity Evaluation or work hardening, the usual and customary charge, as defined in Rule 0800-2-17-.03(80), shall be the maximum amount reimbursable for such services. The current Medicare CPT codes available for Functional Capacity Evaluations are not appropriate for use under the TN Workers' Compensation Medical Fee Schedule, thus, usual and customary is the proper reimbursement methodology for these procedures.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Paragraph (6) of rule 0800-2-18-.09 Physical and Occupational Therapy Guidelines is amended by deleting the current paragraph and replacing it with a new paragraph (6) so that as amended the paragraph shall read as follows:

- (6) Whenever physical therapy and/or occupational therapy services are prescribed, then such treatment shall be reviewed pursuant to the carrier's utilization review program in accordance with the procedures set forth in Chapter 0800-2-6 of the Division's Utilization Review Rules and in accordance with Tenn. Code Ann. § 56-6-705 before physical therapy and/or occupational therapy services may be certified for payment by the carrier. Notification of a determination by the utilization review agent shall be mailed or otherwise communicated through electronic mail, facsimile and/or telephone to the provider of record or the enrollee or other appropriate individual within two (2) business days of the receipt of the request for determination and the receipt of all information necessary to complete the review from the carrier or employer. Failure of a provider to promptly (at least seven (7) business days before the last approved treatment is rendered) and properly and timely request utilization review of such services as prescribed herein shall result in the forfeiture of any payment for non-approved services. However, failure by carrier or employer to communicate denial or approval of a properly submitted request for utilization review within five (5) business days of the receipt of the request for determination and the receipt of all information necessary to complete the review shall be deemed an approval of the treatment requested. The initial utilization review of physical therapy and/or occupational therapy services may, if necessary and appropriate, certify up to six (6) visits. Subsequent utilization review shall be conducted to certify additional physical therapy and/or occupational therapy services after six (6) visits to the PT or OT facility. Further utilization review is required after each six (6) visit increment.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

The notice of rulemaking set out herein was properly filed in the Department of State on the 20th day of June, 2006. (06-25)

RULEMAKING HEARINGS

TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT - 0800 DIVISION OF WORKERS' COMPENSATION

There will be a hearing before the Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, to consider the promulgation of amendments to rules pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-204, 50-6-204, 50-6-205 and 50-6-233. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Media Room, on the Third Floor of the W.R. Snodgrass (Tennessee) Tower, 312 8th Ave. North, Nashville, Tennessee 37243 at 1:00 p.m. CDST on the 19th day of September, 2006.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Department of Labor and Workforce Development, Division of Workers' Compensation, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department's ADA Coordinator, Mr. Jewel Crawford, at Andrew Johnson Tower, 8th Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0655 and (615) 741-8805.

For a copy of the entire text of this notice of rulemaking hearing contact: Rhonda Hutt, Administrative Assistant, Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, Andrew Johnson Tower, Second Floor, 710 James Robertson Parkway, Nashville, TN 37243-0661, (615) 532-1471.

SUBSTANCE OF PROPOSED AMENDMENTS

CHAPTER 0800-2-18 MEDICAL FEE SCHEDULE

The text of the proposed amendments is as follows:

AMENDMENTS

0800-2-18-.07 AMBULATORY SURGICAL CENTERS AND OUTPATIENT HOSPITAL CARE INCLUDING EMERGENCY ROOM FACILITY CHARGES)

Subparagraph (b) of paragraph (1) of rule 0800-2-18-.07 Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges) is amended by deleting the following current language in the last sentence, "(subject to wage-price index adjustment)," so that as amended the subparagraph shall read:

- (b) The CMS has implemented the Outpatient Prospective Payment System ("OPPS") under Medicare for reimbursement for hospital outpatient services at most hospitals. All services paid under the new OPPS are classified into groups called Ambulatory Payment Classifications ("APC"). Services in each APC are similar clinically and in terms of the resources they require. The CMS has established a payment rate for each APC. Current APC Medicare allowable payment amounts and guidelines are available online at: <http://www.cms.hhs.gov/HospitalOutpatientPPS>. The payment rate for each APC group is the basis for determining the maximum total payment to which an ASC or hospital will be entitled.

RULEMAKING HEARINGS

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

Subparagraph (e) of paragraph (1) of rule 0800-2-18-.07 **Ambulatory Surgical Centers and Outpatient Hospital Care (Including Emergency Room Facility Charges)** is amended by deleting the current language in its entirety and replacing it so that as amended the subparagraph shall read:

- (e) Reimbursement for all outpatient services is based on the Medicare Ambulatory Payment Classification ("APC") national unadjusted base rates, which can be obtained from the Centers for Medicare and Medicaid Services. There are no adjustments for wage-price indices and these are not hospital-specific APC rate calculations. Reimbursements for Critical Access Hospitals ("CAH") are not based on CAH methodology but on the national unadjusted APC base rates as described in the preceding sentence.

Authority: T.C.A. §§ 50-6-204, 50-6-205 and 50-6-233 (Repl. 2005).

The notice of rulemaking set out herein was properly filed in the Department of State on the 20th day of June, 2006. (06-24)

RULEMAKING HEARINGS

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES - 0940 OFFICE OF LICENSURE

There will be a hearing before the Tennessee Department of Mental Health and Developmental Disabilities, Office of Licensure to consider the promulgation of amended rules and repeal of rules pursuant to T.C.A. §§ 4-4-103, 4-5-202, and 204, and 33-1-302, 305, and 309, 33-2-301 and 302, and 33-2-404. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Commissioner's Large Conference Room on the 3rd Floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 10:00 a.m. Central Daylight Time on the 16th day of August, 2006.

Individuals with disabilities who wish to participate in these proceedings or review these filings should contact the Tennessee Department of Mental Health and Developmental Disabilities, to discuss any auxiliary aids or services needed to facilitate such participation or review. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to the scheduled meeting date or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Mental Health and Developmental Disabilities ADA Coordinator, Joe Swinford, 3rd Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37243. Mr. Swinford's telephone number is (615) 532-6700; the department's TDD is (615) 532-6612. Copies of the notice are available from the Tennessee Department of Mental Health and Developmental Disabilities in alternative format upon request.

For a copy of the entire text of this notice of rulemaking hearing contact:

Glenda Rogers, Office of Licensure, Department of Mental Health and Developmental Disabilities, 425 Fifth Avenue North, Fifth Floor, Cordell Hull Building, Nashville, TN 37243-1010, (615)532-6590.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

CHAPTER 0940-5-14

MINIMUM PROGRAM REQUIREMENTS FOR MENTAL HEALTH OUTPATIENT SERVICES

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0940-5-14-.01 DEFINITIONS:

- (1) For purpose of this chapter, mental health outpatient services means a non-residential service designed to provide mental health care for service recipients. Services may vary in levels of intensity. Services are offered in locations that meet the needs of the persons served and may be provided off or on-site of the facility. Mental health outpatient services include five components of care: (1) Clinical Outpatient Services, (2) Mental Health Case Management, (3) Crises Services, (4) Crisis Respite Services and (5) Crisis Triage Services. A mental health outpatient provider may provide one or more components of this service category.
 - (a) Clinical Outpatient Services – Services that include but are not limited to, any one or combination of individual, group or family therapy, medication management and follow-up, and mental health emergency services for current service recipients.
 - (b) Mental Health Case Management – Services that provide goal-oriented and individualized supports for service recipients through assessment, planning, linkage, coordination, and monitoring activities on a 24 hour, 7 day a week basis. Services may be provided by individual case managers or by case management teams. The majority of services are provided in locations other than the agency's offices.

Mental health case management services include but are not limited to:

1. Initial and on-going assessments of individual needs in the areas of housing, vocational, social, financial, legal, behavioral, physical health care, developmental, family and educational;
 2. Resource assessment and management;
 3. Accessing and coordinating services for a service recipient in a crisis situation to ensure the necessary services are rendered during and following a crisis episode on a 24 hour, 7 day a week basis;
 4. Outreach to encourage the service recipient's and caregiver participation.
- (c) Crisis Services – A service that provides 24 hours a day, 7 seven days a week in person and telephone mental health crisis intervention to adults and children in facility and non-facility based settings. Crisis services must provide in person services. Available Crisis services have access to 24/7 crisis respite services as appropriate. Crisis services may be provided through a walk-in/triage crisis center.

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- (d) Crisis Respite Services – A service that provides 24 hour supervision with a safe environment for adults and children who are experiencing a mental health crisis and are in need of short-term supervision and support in order to intervene and de-escalate the crisis while assuring their safety. Crisis respite services are voluntary and may be provided in the service recipient's home or in an out-of-home setting. Crisis respite services may be provided by mental health personnel or by crisis respite companions.
- (e) Crisis Services Walk-In/Triage Center Services - A brief behavioral health observation and assessment service for individuals experiencing a mental health crisis of any type. Immediate evaluation of the person results in referral to the most appropriate treatment intervention. Crisis triage services provides an effective clinical alternative to jails, hospitals, and help prevent more severe deterioration.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309, and 33-2-301 and 302 and 33-2-304.

0940-5-14-.02 APPLICATION OF RULES FOR MENTAL HEALTH OUTPATIENT SERVICES.

- (1) The licensee of mental health outpatient services must comply with the following rules:
 - (a) All applicable Life Safety Rules for Business Occupancy Classification and mobile non-ambulatory classification;
 - (b) Rules for Adequacy of Program Environment and Ancillary Services;
 - (c) Applicable Minimum Program Requirements for All Services and Facilities, and
 - (d) Minimum Program Requirements for Mental Health Outpatient Services.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309, and 33-2-301 and 302 and 33-2-304.

0940-5-14-.03 CLINICAL OUTPATIENT SERVICES SERVICE REQUIREMENTS.

- (1) The licensee must have the capacity to provide:
 - (a) Access to 24 hours per day, 7 days a week emergency phone services;
 - (b) In person mental health emergency services during regular office hours;
 - (c) Defined services in the agency's policies and procedures.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.04 CLINICAL OUTPATIENT SERVICES POLICIES AND PROCEDURES.

- (1) The licensee must develop and maintain written policies and procedures regarding assessment including descriptions of valid and reliable assessment tools, tests and instruments that are age appropriate.

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- (2) The licensee must develop and maintain written policies and procedures regarding the provision of services at sites other than the facility which address the following requirements:
 - (a) Environmental safety of the service site, in sites other than a personal residence or public location including but not limited to schools, churches, physicians, offices.
 - (b) Documentation of mechanisms to assure service recipient and staff safety.
 - (c) Documentation of mechanisms for staff supervision and oversight.
 - (d) Assurance of confidentiality of service recipient records in accordance with state and federal law.
 - (e) Documentation in the agency's main office of all off-site service locations by address, type of service offered and hours of operation.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.05 CLINICAL OUTPATIENT SERVICES PERSONNEL REQUIREMENTS.

- (1) The licensee must provide:
 - (a) Access to physician or physician extenders through a written agreement with, or employment of, a Tennessee licensed physician or physician extender. If the physician or physician extender is not a psychiatrist, the facility must arrange for the regular, consultative, and emergency services of a Tennessee licensed psychiatrist.
 - (b) Direct-treatment and/or rehabilitation services by qualified mental health professionals or by mental health personnel.
 - (c) At least one on-duty/on-site staff member trained in First Aid and the Heimlich maneuver.
 - (d) Staffing size and pattern based upon service recipients' needs.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.06 CLINICAL OUTPATIENT SERVICES ASSESSMENT REQUIREMENTS.

- (1) The program must ensure that the following assessments are completed prior to the development of the Individual Plan of Care (POC):
 - (a) Assessment of following areas:
 1. Emotional, psychological health;
 2. Community living skills;
 3. Independent living skills; and

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4. Educational level.
- (b) Basic medical history and current health information;
- (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol and/or other drug use; and
- (d) History of prior mental health and alcohol and drug treatment episodes.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.07 CLINICAL OUTPATIENT SERVICES INDIVIDUAL PLAN OF CARE REQUIREMENTS.

- (1) A POC must be developed for each service recipient. The POC must be based on initial and on-going assessment of needs and strengths and must be completed within 30 days of admission or services being provided. The POC must be documented in the service recipient's record and must include the following:
 - (a) The service recipient's name.
 - (b) The date of plan development.
 - (c) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes I-V and/or ICD-9.
 - (d) Needs of the service recipient that are to be addressed within the particular service/program component.
 - (e) Identified strengths of the service recipient that are to be utilized in the POC.
 - (f) Individual goals that are related to specific needs identified and that are to be addressed by the particular service/program component.
 - (g) Interventions that address specific goals and objectives, identify staff responsible for interventions, and planned frequency of contact.
 - (h) Signatures of treatment staff developing plan, including physician when appropriate.
 - (i) Signature of service recipient (and/or parent, guardian, conservator, or legal custodian). Reasons for refusal to sign and/or inability to participate in POC development must be documented.
 - (j) The licensee must review and revise as indicated, the POC every six (6) months. Services provided after every 6 month review must be justified and documented.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

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0940-5-14-.08 CLINICAL OUTPATIENT SERVICES INDIVIDUAL RECORD REQUIREMENTS.

- (1) The individual record for each service recipient must contain the following information:
 - (a) Intake interview and initial assessment.
 - (b) A signed and dated original consent for treatment including documentation of informed consent for the medication, if applicable.
 - (c) The report of the mental status examination and other assessments, as appropriate.
 - (d) Progress notes which include written documentation that is service recipient specific of progress and changes that have occurred within the POC and at a minimum are documented after each service contact. Progress notes must be dated and minimally include the signature, with title or degree, of the person preparing the note.
 - (e) Laboratory and radiology results, if applicable.
 - (f) Documentation of all contacts with external services, including medical services.
 - (g) A discharge summary that states the service recipient's condition at the time of discharge and signature of the person preparing the summary.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.09 MENTAL HEALTH CASE MANAGEMENT SERVICES REQUIREMENTS.

- (1) The licensee must have capacity to provide:
 - (a) Telephone and in person access to mental health emergency services to individuals currently enrolled 24 hours per day, 7 days a week basis.
 - (b) Off-site services at a safe location based upon service recipients' needs.
 - (c) Access to other needed mental health services through referrals to other providers.
 - (d) The majority of mental health case management services at off-site locations.
 - (e) Follow-up services to assess the needs of service recipients for referral and coordination with other providers.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.10 MENTAL HEALTH CASE MANAGEMENT SERVICES POLICIES AND PROCEDURES.

- (1) The licensee must develop and maintain policies and procedures that describe the method through which the case managers interact with other providers to ensure that the service recipient is receiving care or services.

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- (2) The licensee must develop and maintain a policy which prohibits employees from referring, directly assisting, or placing service recipients who require personal care, as defined by rule to unlicensed personal care facilities. The policy must also require documentation that an employee made efforts to assist individuals with selecting housing that has minimum life safety features of smoke detector(s), and fire extinguisher(s), and is clean and free of roaches and rodents, when service recipients do not require personal care.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.11 MENTAL HEALTH CASE MANAGEMENT SERVICES PERSONNEL REQUIREMENTS.

- (1) The licensee must provide:
 - (a) Regular, consultative, and emergency services of a Tennessee licensed psychiatrist, or arrange for such services;
 - (b) Clinical supervision of mental health personnel by a licensed qualified mental health professional;
 - (c) Direct service staff who are mental health personnel;
 - (d) Services to children by a child psychiatrist or qualified mental health professional with mental health experience with children, 7 days a week, 24 hours per day or have such staff available;
 - (e) Mental health case managers with experience in serious mental illnesses and treatment interventions, psychosocial interventions, community treatment and natural resources, self-help and recovery concepts.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.12 MENTAL HEALTH CASE MANAGEMENT SERVICES INDIVIDUAL ASSESSMENT REQUIREMENTS.

- (1) The licensee must ensure that the following assessments are completed prior to the development of the individual (POC):
 - (a) Emotional, psychological health;
 - (b) Educational;
 - (c) Housing;
 - (d) Financial;
 - (e) Legal;
 - (f) Social;

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- (g) Vocational; and
- (h) Physical Health.
- (i) Basic medical history and current health information;
- (j) A six (6) month history of prescribed medications, frequently used over-the-counter medications, and alcohol and/or other drug use; and
- (k) History of prior mental health and alcohol and drug treatment episodes.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.13 MENTAL HEALTH CASE MANAGEMENT SERVICES INDIVIDUAL PLAN OF CARE (POC) REQUIREMENTS.

- (1) A POC must be developed for each service recipient. The plan must be based on initial and on-going assessment of needs and strengths and must be completed within 30 days of admission or services being provided. The POC must be documented in the service recipient's record and must include the following:
 - (a) The service recipient's name;
 - (b) The date of plan development;
 - (c) Standardized diagnostic formulation(s) including, but not limited to, the current Diagnostic and Statistical Manual (DSM) Axes I-V and/or ICD-9;
 - (d) Service recipient identified needs and strengths that are to be addressed within the particular service/program component;
 - (e) Individual goals that are related to specific needs identified by the service recipient and that are to be addressed by the particular service/program component;
 - (f) Interventions case management will link the service recipient to that address, specific goals and objectives, identify the person responsible for interventions, and planned frequency of contact;
 - (g) Signatures of treatment staff developing plan, including physician and nurse when appropriate;
 - (h) Signature of service recipient (and/or parent, guardian, conservator, or legal custodian). Reasons for refusal to sign and/or inability to participate in POC development must be documented;
 - (i) The licensee must review and revise as indicated, the POC after every six (6) months. Signature of service recipient (and/or parent, guardian, conservator, or legal guardian) must be indicated on the revised plan;
 - (j) The intensity of service provided (i.e., frequency of contact, type of case management, staff to client ratio) is based upon the needs of the service recipient.

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Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.14 MENTAL HEALTH CASE MANAGEMENT SERVICES INDIVIDUAL RECORD REQUIREMENTS.

- (1) The individual record for each service recipient must contain the following information:
 - (a) Initial and on-going case management assessments;
 - (b) Signed and dated originals consent to participate in service;
 - (c) Documentation of clinical records from the service recipient's health and mental health providers;
 - (d) Progress notes which must include written documentation of specific progress and changes that have occurred within the Plan of Care and at a minimum are documented after each service contact. Progress notes must be dated and minimally include the signature, with title or degree, of the person preparing the note.
 - (e) Documentation of all staff contacts when services are not rendered directly by the licensee, including medical.
 - (f) Documentation at the time case management services is concluded that states the service recipient's condition at the time of discharge and is signed by the person preparing the summary.
 - (g) An individualized crisis plan that documents common stressors for the person, signs of decompensation, and plans to intervene under these circumstances.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.15 CRISIS SERVICES SERVICE REQUIREMENTS.

- (1) The licensee must have capacity to provide:
 - (a) Telephone and in person services 24 hours per day, 7 days a week that are accessed via a publicized toll-free telephone crisis line;
 - (b) Off-site services at a safe location based upon service recipients' needs;
 - (c) Available less restrictive alternatives and inpatient psychiatric services;
 - (d) Access to crisis respite services as appropriate;
 - (e) Access to psychiatric evaluations;
 - (f) Access to medication assessment and administration;

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- (g) Access to providers who can complete certificates of need for involuntary hospitalizations according to state law;
- (h) Follow-up to service recipient who was seen in person.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.16 CRISIS SERVICES POLICIES AND PROCEDURES.

- (1) The licensee must develop and maintain written policies and procedures for the provision of crisis services that include the following:
 - (a) Access to medical consultation;
 - (b) Referrals to emergency medical services when indicated;
 - (c) Transportation arrangements
 - (d) Connections with community entities and providers, including crisis respite services;
 - (e) Location of off-site services, including sites where services are provided and guidelines regarding when services are to be provided;
 - (f) Legal requirements regarding the rights of the service recipient;
 - (g) Response time standards;
 - (h) Provisions to assure that all requests for phone and in person services are responded to regardless of payment source;
 - (i) Post-crisis follow-up conditions and procedures;
 - (j) Coordination with local law enforcement and community correctional facilities.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302,305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.17 CRISIS SERVICES PERSONNEL REQUIREMENTS.

- (1) The licensee must provide:
 - (a) Consultation from a psychiatrist or medical doctor with mental health expertise, 24 hours per day, 7 days a week;
 - (b) Clinical supervision of mental health personnel by a licensed qualified mental health professional;
 - (c) Direct service staff, including staff answering the crisis telephone line, must at least be mental health personnel as defined by rule;

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- (d) Crisis services to children or youth by a child psychiatrist or a clinically licensed mental health professional with mental health experience with children, 7 days a week, 24 hours per day or have such staff available;
- (e) Crisis services staff with experience in serious mental illnesses/serious emotional disturbances and treatment interventions, psychosocial interventions, community treatment and community resources, safety, substance abuse, self-help and recovery concepts;
- (f) Staffing size and patterns based upon the needs of the service recipients, including geographic influences and factors. The staffing plan must adequately address safety of both staff and service recipients, supervision needs of service recipients, and the ability to provide crisis services in a timely manner based on patterns of volume demands.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.18 CRISIS SERVICES INDIVIDUAL ASSESSMENT REQUIREMENTS.

- (1) The licensee must ensure that the following assessments are completed at the time of the initial contact:
 - (a) Assessment to determine when a service recipient needs in person service;
 - (b) Screening to determine dangerousness;
 - (c) Alcohol and substance abuse screening;
 - (d) Lethality assessment;
 - (e) Assessment to determine services/interventions needed to address the crisis situation.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.19 CRISIS SERVICES INDIVIDUAL RECORD REQUIREMENTS.

- (1) The licensee must ensure that each service recipient's record includes the following information:
 - (a) Documentation of the presenting problem, intervention(s) provided, disposition and follow-up contacts (including outcomes) for service recipients seen in person;
 - (b) Documentation of all incoming calls and disposition must be maintained on a daily basis.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

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0940-5-14-.20 CRISIS SERVICES WALK-IN/TRIAGE CENTER REQUIREMENTS.

- (1) If a licensee offers crisis services through a walk-in/triage center the following additional requirements apply:
 - (a) Medications may be administered to service recipients at a walk-in triage center if:
 1. The service recipient is currently receiving outpatient services from the provider operating the walk-in/triage center and clinical records are readily accessible and appropriately licensed personnel are available to administer the medication; or
 2. If symptoms are exhibited which warrant medication while the service recipient is at the walk-in/triage center and appropriately licensed personnel are available to assess the need for medication, prescribe medication, and administer the medication.
 - (b) Chemical restraint shall not be utilized in a walk-in/triage center;
 - (c) Sufficient seating shall be available in the walk-in/triage center waiting area to accommodate the number of services recipients typically present based on patterns of utilization. If the walk-in/triage center serves both adults and children and youth, consideration must be given to separation of service recipients by age, either through use of separate waiting areas or through constant direct supervision of the waiting area by mental health personnel. Walk-in/triage centers are not residential facilities and therefore shall not provide beds for service recipients;
 - (d) Restroom facilities must be available in a location proximate to the walk-in/triage center location. If the restroom facilities are not readily accessible within the walk-in/triage center, service recipients must be given access by staff upon request;
 - (e) Need for sustenance must be addressed during the initial assessment and during the course of the time the service recipient is at the walk-in/triage center. Food and beverages must be available as deemed appropriate based on the assessment;
 - (f) If quiet rooms are available in the walk-in/triage center for voluntary use by service recipients, these rooms must not be locked and sufficient personnel must be present to supervise use of quiet rooms.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.21 CRISIS RESPITE SERVICES REQUIREMENTS.

- (1) The licensee must have capacity to provide:
 - (a) Crisis respite services 24 hours per day, 7 days a week that are accessed via referral from a mental health crisis services provider or other qualified mental health professionals;
 - (b) Services at safe locations based upon service recipient need;
 - (c) Access to medication assessment and administration; and

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- (d) Follow-up to determine if the service recipient who was seen in person has accessed recommended services.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.22 CRISIS RESPITE SERVICES POLICIES AND PROCEDURES.

- (1) The licensee must develop and maintain written policies and procedures that address:
 - (a) Admission criteria;
 - (b) Referral processes;
 - (c) Discharge or transition plans;
 - (d) Management of escalating psychiatric/behavioral or emerging medical symptoms;
 - (e) Referrals to emergency psychiatric or medical services when indicated;
 - (f) Use of medication, including provisions for self-administration;
 - (g) Staffing qualifications and requirements;
 - (h) Availability of clinical supervision, consultation, and back-up;
 - (i) Safety concerns for both service recipients and staff;
 - (j) Separation of adults and children/youth, if the crisis respite service serves both age groups;
 - (k) Provision of food and beverages for service recipients receiving crisis respite services, as well as accommodations for sleeping and showering, based on the length of time a service recipient is receiving crisis respite services; and
 - (l) Legal requirements regarding the rights of the service recipient.
- (2) The licensee must develop and maintain written policies and procedures that address the provision of crisis respite services at sites other than a licensed site. Policies and procedures must include the following:
 - (a) In sites other than a personal residence or public location, the environmental safety of the service site;
 - (b) The adherence of off-site locations to all applicable agency policies and procedures;
 - (c) Documentation of mechanisms to assure client and staff safety;
 - (d) Documentation of mechanisms for staff supervision and oversight;
 - (e) Confidentiality of client records in accordance with state and federal law; and

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- (f) Documentation of all off-site service locations by address and type of setting.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.23 CRISIS RESPITE SERVICES PERSONNEL REQUIREMENTS.

- (1) The licensee must provide:
 - (a) Consultation available from a qualified mental health professional 24 hours per day, 7 days a week. If providing crisis services to children or youth, consultation must be available from a qualified mental health professional trained and experienced in child mental health 24 hours per day, 7 days a week. The qualified mental health professional must have access to consultation from a psychiatrist or psychiatric nurse practitioner 24 hours per day, 7 days per week, if indicated;
 - (b) Supervision of respite companions provided by qualified mental health professionals.
 - (c) Staffing size and patterns based upon the scope of the crisis respite service and the needs of the service recipients. The staffing plan must adequately address safety of both staff and service recipients, supervision needs of service recipients, and the provision of consultation by qualified mental health professionals;
 - (d) Respite companions who meet the following criteria:
 - 1. Age 18 or older;
 - 2. Receive Pre-service and annual refresher training on:
 - (i) Crisis intervention and de-escalation;
 - (ii) Cultural diversity;
 - (iii) Medication awareness;
 - (iv) Universal precautions;
 - (v) Therapeutic communication;
 - (vi) Mental illness/substance abuse;
 - (vii) Accessing emergency psychiatric and medical services; and
 - (viii) Service recipient rights.
 - 3. Demonstrate competence in the skills, knowledge, tasks required for the provision of crisis respite services; and
 - 4. Conduct criminal background and reference checks on all respite companions as required for employees, whether the respite companion is directly employed by the agency or not.

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Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

0940-5-14-.24 CRISIS RESPITE SERVICES INDIVIDUAL RECORD REQUIREMENTS.

- (1) The individual record for each service recipient must contain the following information:
 - (a) Documentation of the services provided;
 - (b) Contacts with qualified mental health professionals;
 - (c) Progress toward stabilization goals; and
 - (d) Disposition and follow-up arrangements (if applicable).
- (2) An individualized crisis respite plan must be developed in conjunction with a qualified mental health professional and agreed to in writing by the service recipient and family member or caregiver (when applicable and available). This plan must address:
 - (a) Stabilization goals;
 - (b) Safety concerns;
 - (c) Services and assistance needed while in respite, including the frequency of contact with a qualified mental health professional; and
 - (d) Disposition plan, including arrangements for clinical follow-up, if indicated.

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

REPEALS

Rule 0940-5-14-.01 is repealed
Rule 0940-5-14-.02 is repealed
Rule 0940-5-14-.03 is repealed
Rule 0940-5-14-.04 is repealed
Rule 0940-5-14-.05 is repealed
Rule 0940-5-14-.06 is repealed

Authority: T.C.A. §§ 4-4-103; 4-5-202 and 204 and 33-1-302, 305 and 309; and 33-2-301 and 302 and 33-2-304.

This notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of June, 2006. (06-38)

RULEMAKING HEARINGS

BOARD OF OPTOMETRY - 1045

There will be a hearing before the Tennessee Board of Optometry to consider the promulgation of amendments to rules and a new rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-8-112. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 3:30 p.m. (CDT) on the 25th day of August, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1045-2-.05, Continuing Education, is amended by deleting subparagraph (1) (a) in its entirety and substituting instead the following language, and is further amended by deleting paragraph (2) but not its subparagraphs, and substituting instead the following language, and is further amended by deleting subparagraphs (2) (a) and (2) (c) in their entirety and substituting instead the following language, and is further amended by deleting part (2) (d) 3. in its entirety, so that as amended, the new subparagraph (1) (a), the new paragraph (2) but not its subparagraphs, and the new subparagraphs (2) (a) and (2) (c) shall read:

- (1) (a) For those who are therapeutically certified, a minimum of twenty (20) of the thirty (30) hours of continuing education is required in courses pertaining to ocular disease and related systemic disease, as described in subparagraph (2) (c).
- (2) Approval of Continuing Education
- (2) (a) Except for grand clinical rounds and courses provided by the Tennessee Academy of Optometry, all continuing education courses shall be approved by the Association of Regulatory Boards of Optometry's Council on Optometric Practitioner Education (COPE).
 - 1. Providers of grand clinical rounds and the Tennessee Academy of Optometry shall submit the information required by subparagraph (2) (b) at least thirty (30) days prior to the actual date of the grand clinical rounds or course.
 - 2. Licensees who attend grand clinical rounds performed in clinical treatment facilities and/or courses provided by the Tennessee Academy of Optometry that are not approved by COPE shall receive one (1) hour of continuing education credit for each two (2) hours of attendance.

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3. No more than six (6) hours of continuing education credit during the two (2) year period described in paragraph (1) shall be granted to a licensee for attending grand clinical rounds.
- (2) (c) Courses will be classified by the Board as one (1) of the following categories:
1. Clinical Optometry – These courses shall pertain to general optometry, functional vision/pediatrics, and contact lenses;
 2. Ocular Disease – These courses shall pertain to the treatment and management of ocular disease (anterior and posterior), refractive surgery management, peri-operative management of ophthalmic surgery, and glaucoma;
 3. Related Systemic Disease – These courses shall pertain to systemic/ocular disease, principles of diagnosis, pharmacology, and neuro-optometry;
 4. (Optometric) Business Management – These courses shall pertain to practice management and/or ethics/jurisprudence. The total number of (Optometric) Business Management hours that will be accepted is six (6) hours of the thirty (30) hour requirement.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-8-112, and 63-8-119.

Rule 1045-2-.06, Board Meetings, Members' Authority and Records, is amended by inserting the following language as new paragraph (6) and renumbering the remaining paragraphs accordingly:

- (6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-8-112, 63-8-120, and 63-8-121.

NEW RULE

1045-2-.16 PRACTICING OPTOMETRY IN OR IN CONJUNCTION WITH A RETAIL STORE OR OTHER COMMERCIAL ESTABLISHMENT.

- (1) Tennessee law (T.C.A. § 63-8-113 (c)(6)) prohibits a licensed optometrist from practicing or offering to practice optometry in, or in conjunction with, any retail store or other commercial establishment where merchandise is displayed or offered for sale.
 - (a) As used in T.C.A. § 63-8-113 (c)(6) and this rule, "retail store or other commercial establishment where merchandise is displayed or offered for sale" shall include all retail stores, commercial establishments and non-health care entities where ophthalmic materials, including but not limited to lens, frames, eyeglasses, contact lens, and other optical products, are displayed and/or offered for sale and the primary business of the store or establishment is not the practice of optometry.
 - (b) As used in T.C.A. § 63-8-113(c)(6) and this rule, "practice or offer to practice optometry in, or in conjunction with" shall mean that:

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1. A licensed optometrist is performing acts which constitute the practice of optometry in or on the physical premises of the retail store or other commercial establishment; and/or
 2. A licensed optometrist is not operating his/her practice independently from the retail store or other commercial establishment.
- (c) To avoid violating T.C.A. § 63-8-113(c)(6), a licensed optometrist must practice in a location that is both physically separate and independently operated from the retail store or other commercial establishment. The location must be divided from the retail store or other commercial establishment by a wall or other permanent division. The location must have an entrance for patients that is separate from the retail store or commercial establishment and opens directly onto a public street, lobby, corridor, or other public thoroughfare. The retail store or other commercial establishment may not, either directly or indirectly, control or attempt to control the professional judgment or practice of the licensed optometrist.
- (2) A licensed optometrist shall be deemed to be practicing in conjunction with a retail store or other commercial establishment where merchandise is displayed or offered for sale if the optometrist enters into a lease that purports to, either indirectly or directly, control or attempt to control the professional judgment or practice of an optometrist through:
- (a) A provision by which the commercial entity sets or attempts to set the professional fees or office hours of the optometrist or number of patients to be seen by the optometrist;
 - (b) A provision by which the commercial entity restricts or attempts to restrict the optometrist's discretion to schedule appointments at times convenient to the optometrist's patients;
 - (c) A provision by which the commercial entity may terminate or threaten to terminate the lease or other agreement for the primary purpose of controlling or attempting to control the professional judgment or manner of practice of the optometrist;
 - (d) A provision by which the commercial entity provides to or shares with the optometrist employees or communication services or equipment;
 - (e) A provision by which the commercial entity employs or contracts for the services of the optometrist if part of the optometrist's duties involve the practice of optometry (except that an optometrist may legally provide optometric services to the employees of the commercial entity);
 - (f) A provision by which the commercial entity pays the optometrist for a service not provided;
 - (g) A provision by which the commercial entity restricts an optometrist's access to leased office space at times when the optometrist needs such access to provide emergency care to a patient;
 - (h) A provision by which the optometrist agrees to split or share fees with the commercial entity in return for the solicitation of patients for the optometrist by the commercial entity;
 - (i) A provision by which the commercial entity restricts or attempts to restrict the scope of practice of the optometrist in a way that prevents the optometrist from engaging in the full

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scope of practice allowed under state law;

- (j) A provision which links the name of the optometrist to the commercial entity;
 - (k) A provision which in any way limits or attempts to limit the optometrist's exercise of independent professional judgment and responsibility; and
 - (l) A provision which limits or attempts to limit the optometric services and ophthalmic materials that the optometrist may provide to his or her patients or the information which may be disseminated to the public by the optometrist.
 - (m) A provision that would in any way violate or compromise the optometrist's duty to protect the privacy of patients under the federal Health Insurance Portability and Accountability Act (HIPAA) and the rules adopted thereunder.
 - (n) A provision by which the leased space is not large enough to include a secure location for storage of confidential patient records.
 - (o) Any other lease provision through which the retail store or other commercial establishment purports to, either indirectly or directly, control or attempt to control the professional judgment or practice of a licensed optometrist.
- (3) T.C.A. § 63-8-113(c)(6) does not prohibit an optometrist from leasing space from, or entering into agreements with, a retail store or other commercial establishment where ophthalmic materials are displayed or sold, so long as the space which is leased by the optometrist is physically separate from the retail store or other commercial establishment and so long as the lease or agreement does not contain any of the provisions described in paragraph (5) of this rule. A bona fide lease between an optometrist and a commercial entity shall not be deemed to violate T.C.A. § 63-8-113(c)(6) solely on the basis that the rental payments are based, in whole or in part, on the revenue earned by the optometrist from his or her practice.
- (4) The provisions of T.C.A. § 63-8-113 (c)(6) and this rule do not apply to a licensed optometrist who was practicing in a retail store or other commercial establishment where ophthalmic materials are displayed or offered for sale prior to April 17, 1967, so long as that optometrist has continued to practice in that same location (or a relocated location if the retail store or other commercial establishment moved). However, this "grandfather" provision shall not continue to apply after that optometrist vacates the premises of that retail store or other commercial establishment and shall not apply to a new optometrist who comes to work at that retail or other commercial establishment after April 17, 1967.
- (5) Violation of this rule may subject a licensee to disciplinary action pursuant to Rule 1045-2-.10.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-8-112, 63-8-113, 63-8-120, and 63-8-125.

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of June, 2006. (06-36)

RULEMAKING HEARINGS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

There will be a hearing before the Tennessee Wildlife Resources Commission to consider the promulgation of rules, amendments of rules, or repeals of rules pursuant to Tennessee Code Annotated, Section 70-1-206. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Region II Conference Room of the Tennessee Wildlife Resources Agency, Ray Bell Region II Building, 5105 Edmondson Pike, Nashville, Tennessee, at 9:00 a.m., local time, on the 24th day of August, 2006.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Wildlife Resources Agency to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Wildlife Resources Agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Wildlife Resources Agency ADA Coordinator, Carolyn Wilson, Room 229, Tennessee Wildlife Resources Agency Building, Ellington Agricultural Center, Nashville, Tennessee 37204, telephone number (615)781-6594.

For a copy of this notice of rulemaking hearing, contact: Sheryl Holtam, Attorney, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, telephone number (615)781-6606.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1660-1-8 RULES AND REGULATIONS OF HUNTS

AMENDMENT

Rule 1660-1-8-.03, Permit Requirements - Wildlife Management Areas, Refuges and Other Agency Controlled Lands, Paragraph (3) is amended by deleting the paragraph in its entirety and inserting a new paragraph so it shall read:

- (3) Before any person, except those under 16 years of age hunting small game and waterfowl, may hunt on a wildlife management area or refuge, he must possess a permit as outlined below.

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- (a) A WMA Small Game permit is required on the following wildlife management areas and refuges:

AEDC	Cypress Pond	Natchez Trace
Alpine Mountain	Eagle Creek	New Hope
Arnold Hollow	Eagle Lake Refuge	Nolichucky
Bark Camp Barrens	Ernest Rice Sr.	Normandy
Barkley (Units I & II)	Foothills	North Chickamauga Creek
Bean Switch Refuge	Forks of the River	Oak Ridge
Bear Hollow Mountain	Haley-Jaqueth	Obion River
Beaver Dam Creek	Harmon Creek	Old Hickory (Units I & II)
Big Sandy (including Gin Creek)	Haynes Bottom	Old Hickory Lock 5 Refuge
Black Bayou Refuge	Henderson Island Refuge	Owl Hollow Mill
Bogota	Hick Hill	Pea Ridge
Bridgestone/Firestone Centennial Wilderness	Hickory Flat	Percy Priest (Units I & II)
	Hiwassee Refuge	Perryville
Browntown	Holly Fork	Prentice Cooper
Buffalo Springs	Hop-In Refuge	Rankin
Camden (Units I & II)	Jackson Swamp	Royal Blue
Catoosa	Jarrell Switch Refuge	Shelton Ferry
Cedar Hill Swamp	John Tully	Sundquist
Charlotte Ann Finnell Neal	Kingston Refuge	Tellico Lake
Cheatham	Kyker Bottoms Refuge	Tie Camp
Cheatham Lake	Kyles Ford	The Boils
Chickamauga (Candies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units)	Laurel Hill	Three Rivers
	Lick Creek	Watts Bar (Long Island Unit)
	Long Pond	West Sandy
Chuck Swan	Lick Creek Bottoms	White Lake Refuge
Cold Creek	Maness Swamp Refuge	White Oak
Cordell Hull	Maple Springs	Williamsport
Cordell Hull Refuge	Meeman-Shelby Forest	Wolf River
Cove Creek	Mingo Swamp	Woods Reservoir Refuge
C.M. Gooch	Moss Island	Yanahli
Cummings Cove	MTSU	Yuchi Refuge at Smith Bend

A WMA small game permit is required for individuals participating in dog training. A field trial permit is required on Percy Priest WMA and the Tellico Lake – McGhee-Carson Unit.

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- (b) A WMA Small Game and Waterfowl permit is required for hunting waterfowl on the following wildlife management areas and refuges:

AEDC	Ernest Rice Sr.	Oak Ridge
Barkley (Units I & II)	Harmon Creek	Obion River
Big Sandy (including Gin Creek)	Haynes Bottom	Old Hickory (Units I & II)
Bogota	Hiwassee Refuge	Percy Priest (Units I & II)
C.M. Gooch	Holly Fork	Shelby Forest
Camden (Units I & II)	Jackson Swamp	Shelton Ferry
Cedar Hill Swamp	Jarrell Switch Refuge	The Boils
Charlotte Ann Finnell Neal	Moss Island	Three Rivers
Cheatham Lake	Lick Creek	Tigrett
Chickamauga (Candies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units)	Lick Creek Bottoms	Watts Bar (Long Island Unit)
	Mingo Swamp	West Sandy
	Meeman-Shelby Forest	White Oak
Cold Creek	Moss Island	Yanahli
Cordell Hull	New Hope	Yuchi Refuge at Smith Bend
Cordell Hull Refuge	Nolichucky	
Cummings Cove	North Chickamauga Creek	

RULEMAKING HEARINGS

- (c) A WMA big game permit is required for hunting deer, bear, boar, feral hogs, and turkey on the following wildlife management areas and refuges:

AEDC	Ernest Rice Sr.	New Hope
Alpine Mountain	Fall Creek Fall State Park	Nolichucky
Arnold Hollow	Foothills	Normandy
Bark Camp Barrens	Forks of the River	North Chickamauga Creek
Barkley (Units I & II)	Gallatin Steam Plant	Oak Ridge
Bear Hollow Mountain	Harmon Creek	Obion River
Bean Switch Refuge	Haynes Bottom	Old Hickory (Units I & II)
Beaver Dam Creek	Henderson Island Refuge	Old Hickory Lock 5 Refuge
Big Sandy (including Gin Creek)	Hick Hill	Owl Hollow Mill
Bogota	Hickory Flat	Pea Ridge
Bridgestone/Firestone Centennial Wilderness	Hiwassee Refuge	Percy Priest (Units I & II)
	Holly Fork	Perryville
Browntown	Hop-In Refuge	Prentice Cooper
Buffalo Springs	International Paper	President's Island
C.M. Gooch	Jackson Swamp	Rankin
Camden (Units I & II)	Jarrell Switch Refuge	Royal Blue
Catoosa	John Tully	Shelton Ferry
Cedar Hill Swamp	Kingston Refuge	Sundquist
Charlotte Ann Finnell Neal	Kyles Ford	Tellico Lake
Cheatham	Laurel Hill	The Boils
Cheatham Lake	Lick Creek	Three Rivers
Cherokee	Lick Creek Bottoms	Tie Camp WMA
Chickamauga (Candies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units)	Long Pond	Tigrett
	Lovell Field	Watts Bar (Long Island Unit)
	Maness Swamp Refuge	West Sandy
Chuck Swan	Maple Springs	White Lake Refuge
Cold Creek	Meeman-Shelby Forest	White Oak
Cordell Hull	Mingo Swamp	Williamsport
Cordell Hull Refuge	Moss Island	Wolf River
Cove Creek	MTSU	Woods Reservoir Refuge
Cummings Cove	Natchez Trace	Yanahli
Cypress Pond	Nathan B. Forrest State Historical Area	Yuchi Refuge at Smith Bend
Eagle Creek		
Eagle Lake Refuge		

RULEMAKING HEARINGS

- (d) A WMA Small Game or WMA Small Game and Waterfowl permit is required to trap on all areas that require a small game hunting permit.

Authority: T.C.A. §70-1-206 and §70-4-107

CHAPTER 1660-1-8 RULES AND REGULATIONS OF HUNTS

Rule 1660-1-8-.05, Permit Applications and Drawings, is amended by deleting paragraph (2) in its entirety and by renumbering the succeeding paragraphs accordingly.

Authority: T.C.A. §70-1-206 and §70-4-107

CHAPTER 1660-1-28 RULES AND REGULATIONS GOVERNING LICENSES, PERMITS AND FEES

AMENDMENT

1660-1-28-.04, Miscellaneous Licenses, Permits and Fees is hereby amended by inserting an Apprentice Hunting License (Type 12) with a \$10.00 fee so that, as amended, the rule shall read:

- (1) Licenses, permits and fees are set out as follows:

Type: Description:

06	Migratory Bird Permit (Harvest Inventory Permit)	\$1.00
12	Apprentice Hunting License	\$10.00
101	Resident Commercial Fisher License.....	\$200.00
102	Resident Commercial Helper License - Fishing.....	\$200.00
103	Nonresident Commercial Fisher License.....	\$1,000.00
104	Nonresident Commercial Helper License - Fishing.....	\$1,000.00
105	Resident Commercial Musseler License	\$200.00
107	Nonresident Commercial Musseler License	\$1,000.00
108	Resident Commercial Roe Fish Permit – Supplemental.....	\$1,000.00
109	Cultured Pearl License	\$1,000.00
110	Nonresident Commercial Roe Fish Permit, Supplemental	\$1,500.00
111	Resident Wholesale Roe Fish Permit.....	\$500.00
112	Nonresident Wholesale Roe Fish Dealer	\$1,000.00
113	Wholesale Fish Dealer's License	\$500.00
115	Wholesale Mussel Dealer's License.....	\$500.00
116	Nonresident Fish Dealer's License	\$500.00
117	Falconry General Permit – Supplemental.....	\$60.00
118	Resident Fish Dealer's License	\$50.00
120	Nonresident Trapping License	\$400.00
121	Resident/Non-resident Fur Buyer License.....	\$150.00
122	Falconry Apprentice Permit – Supplemental.....	\$60.00
123	Falconry Master Permit – Supplemental	\$60.00
124	Commercial Wildlife Preserve - Big Game Permit	\$300.00

RULEMAKING HEARINGS

125	Commercial Wildlife Preserve - Small Game Permit.....	\$150.00
141	Taxidermist Permit.....	\$100.00
149	Animal Importation Permit, One Shipment	\$25.00
150	Animal Importation Permit, Annual.....	\$200.00
160	Permanent Exhibitor Permit.....	\$1,000.00
161	Temporary Exhibitor Permit	\$250.00
166	Resident Senior Citizen's Permanent License.....	\$10.00
167	Annual Senior Citizen's Permit - Supplemental	\$40.00
170	Personal Possess Permit, Class I, One Animal,	\$150.00
171	Personal Possess Permit, Class I, Entire Facility,	\$1,500.00
172	Personal Possession Permit, Class II, One Animal	\$25.00
173	Personal Possession Permit, Class II, Entire Facility.....	\$250.00
174	Propagation Facility Permit, Small Game/Waterfowl	\$50.00
175	Propagation Facility Permit, Class II, Except Small Game/Waterfowl.....	\$250.00
176	Propagation Facility Permit, Class I	\$2,500.00
189	Resident Permanent Sport Combination Hunting and Fishing License - Permanent Wheelchair Restricted	\$10.00
190	Slat Basket Tag Permit	\$8.00
194	Replacement License or Permit – Cost for replacement of one license or permit in a single transaction	\$6.00
195	Replacement License or Permit \$1.00 – Cost for replacement of each additional license or permit in a single Type 194 transaction ...	\$1.00
197	Resident Permanent Sport Fishing License - Certified Blind	\$10.00
198	Resident Permanent Sport Combination Hunting and Fishing License (Sport Fishing and Hunting License) - Disabled Veterans	\$10.00
199	Resident Permanent Sport Fishing License – Persons Drawing Social Security Benefits Due to Mental Retardation	\$10.00
500	Hunter Education Replacement Card.....	\$6.00

Authority: T.C.A. §70-1-206 and §70-2-108(a)

CHAPTER 1660-1-28 RULES AND REGULATIONS GOVERNING LICENSES, PERMITS AND FEES

NEW RULE

Rule 1660-1-28, Rules and Regulations Governing Licenses, Permits and Fees, is also amended by inserting a new rule, 1660-1-28-.05, Apprentice Hunting License - Eligibility and Conditions, to read as follows:

1660-1-28-.05 APPRENTICE HUNTING LICENSE - ELIGIBILITY AND CONDITIONS:

- (1) The Apprentice Hunting License will be required for all hunters 10 years of age or older who have not completed the mandatory hunter education course as specified in TCA §70-2-108. The Apprentice Hunting License will exempt the hunter for one license year from having to complete the mandatory hunter education course. This license can be purchased only once in the lifetime of the hunter.

RULEMAKING HEARINGS

- (2) Hunters who are required to possess the Apprentice Hunting License must be accompanied by an adult, 21 years of age or older, who must meet the hunter education requirements as specified in TCA §70-2-108.

Authority: *T.C.A. §70-1-206 and §70-2-108(a)*

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of June , 2006. (06-32)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-09

MANNER AND MEANS OF HUNTING, TAKING, AND TRAPPING STATEWIDE AND ON WILDLIFE MANAGEMENT AREAS AND STATE REFUGES

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the manner and means of hunting, taking, and trapping, effective August 1, 2006.

NOTE: All sections contained herein apply to statewide and management area hunting. Special restrictions may apply on some wildlife management areas. Legislative Private Acts also apply in some counties.

SECTION I. ILLEGAL WEAPONS

- (1) Shotguns using ammunition loaded with shot larger than Number four (4) are prohibited for hunting all wildlife except beavers, coyotes and waterfowl.
- (2) Shotguns loaded with single ball or rifled slug ammunition are prohibited for hunting all wildlife except deer, bear, boar and feral hogs¹ except as follows: Coyotes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition.
- (3) Rifles or handguns loaded with military or other full metal jacketed type of ammunition are prohibited.
- (4) Rifles or handguns loaded with center-fire ammunition are prohibited for all hunting between 30 minutes after sunset and 30 minutes before sunrise.
- (5) Rifles or handguns loaded with center-fire ammunition are prohibited during all deer, bear or boar seasons for hunting any wildlife except deer, bear, or boar. Coyotes, crows, groundhogs, beaver, feral hogs, foxes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition as provided in the Big Game Season Proclamation.
- (6) Any arrow with poisoned or chemically treated tip or explosive head is illegal for hunting.
- (7) Weapons capable of fully automatic fire are prohibited for hunting of all wildlife.
- (8) Firearms or archery equipment with any device utilizing an artificial light capable of locating wildlife.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, South Cherokee, Cove Mountain, and Foothills W

WILDLIFE PROCLAMATIONS

SECTION II. PROHIBITED ACTS

- (1) The use or possession of predator calls while night hunting of any species is prohibited.
- (2) The use or possession and/or the accompanying of anyone using or possessing raccoon calls, squallers, weapons, ammunition, or climbers while training dogs is prohibited during training season, except raccoon calls may be used during authorized field trials.
- (3) The use of dogs in taking or attempting to take deer is prohibited. Taking or attempting to take deer being pursued by dog, or dogs, is prohibited.
- (4) The use or possession of a pod arrow, any pod-type device for holding drugs or chemicals on an arrow, or any drugs or chemicals used in pod arrows while archery hunting is prohibited.
- (5) Quota hunt permits are not transferable. Anyone found hunting on a borrowed quota permit shall be deemed guilty of hunting in closed season.
- (6) Juveniles under the age of eighteen (18) are prohibited from using handguns for the purpose of hunting.
- (7) Hunting prohibited over a site where bait has been placed to feed or attract wildlife unless the bait has been removed at least ten days prior to hunting.
- (8) Evidence of species or sex of big game animals shall not be destroyed or removed prior to a permanent kill tag being issued at a checking station. (normal field dressing is permitted)
- (9) Possession of firearms prohibited while chasing coyote, fox, and bobcat with dogs from the first Saturday in November through the end of the deer season.
- (10) Use or possession of any electronic light amplifying night vision scope or device is prohibited when in possession of a firearm or archery tackle between sunset and sunrise.
- (11) Use or possession of electronic calls and live decoys prohibited while hunting wild turkey.
- (12) Possession of agricultural grain on one's person while turkey hunting is prohibited.

SECTION III. LEGAL WEAPONS

- (1) Turkey Hunting
 - (a) Shotguns 20 gauge or larger using ammunition loaded with number 4 shot or smaller.
 - (b) Longbows, compound bows and crossbows.
 - (c) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (2) Deer, Bear, Boar and Feral Hog Hunting

WILDLIFE PROCLAMATIONS

- (a) Shotguns using ammunition loaded with single solid ball or rifled slugs.
 - (b) Rifles, except those described in Section I. (3) above, using center- fire ammunition in all counties except where regulated by legislative acts.
 - (c) Muzzle-loading percussion cap or flintlock rifles, handguns or shotguns of .40 caliber (.40") minimum. These muzzle-loading firearms are legal during any gun season or hunt unless otherwise specified. Muzzleloading firearms are defined as those firearms which are incapable of being loaded from the breech.
 - (d) Longbows, compound bows and crossbows.
 - (e) Hunting arrows and bolts shall be of a barbed design and shall have sharpened blades.
 - (f) Center-fire handguns having a barrel length of four (4) inches or more, in all counties except where regulated by legislative acts.
 - (g) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (3) Small Game Hunting
- (a) Shotguns and handguns using ammunition loaded with Number Four (4) or smaller shot are legal for all small game hunting.
 - (b) Shotguns using ammunition loaded with BBB (0.19 inch diameter) or smaller shot are legal for hunting coyotes and beaver except during big game seasons.
 - (c) Shotguns loaded with nontoxic shot approved by the U. S. Fish and Wildlife Service are legal for hunting waterfowl.
 - (d) Rifles and handguns using rim-fire ammunition and air rifles are legal for hunting small game except migratory birds.
 - (e) Rifles and handguns using center-fire ammunition are legal for hunting beaver, bobcat, foxes, coyotes, feral hogs, groundhogs, and crows, except during deer, bear or boar seasons. Rifles and handguns using center-fire ammunition prohibited for hunting all small game species on wildlife management areas (except as specified in Section I.(2) and (5) above)
 - (f) Muzzle-loading firearms (rifles, handguns and shotguns).
 - (g) Longbows, compound bows and crossbows.
 - (h) Falcons and Falconry – Subject to Tennessee Code Annotated Section 70-414.
 - (i) Gigs and angling equipment are also legal for taking bullfrogs.
 - (j) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.

WILDLIFE PROCLAMATIONS

SECTION IV. **LEGAL TRAPPING DEVICES AND DEFINITIONS**

- (1) Leg-hold traps with a jaw spread of 7 1/2 inches or less are legal for all furbearer species during the legal trapping season.
- (2) Instant-kill traps with jaw measurements no greater than 10 x 10 inches and smaller are legal for all furbearer species during the legal trapping season. Instant kill traps are considered steel jawed traps and their use is restricted to that allowed for steel jawed traps.
- (3) Live traps are legal for taking any species of wildlife listed as having a trapping season. Live traps are defined as those traps that act as a cage after capture.
- (4) Steel cable snares having a minimum cable diameter of 5/64 inch and a maximum cable diameter of 3/32 inch are legal for all legal furbearer species during the legal trapping season. All snares shall have affixed a tag bearing the name of the owner. Spring activated snares other than Collarum snares prohibited.
- (5) Cushion-hold traps are legal for all furbearer species during the legal trapping season. The Woodstream Soft-Catch, Duke Rubber Jaw Trap, Butera Cushion Catch traps, Cushion Catch #33 Trap, J. C. Conner Coyote "Jake" Trap, and any legal sized offset jawed traps equipped with Humane Hold universal pads by KG Enterprises and/or Sudden Valley Supply trap pads (when installed according to manufacturers recommendations) meet the definition of a "cushion-hold trap" as provided in TCA 70-1-101 which may be used in accordance with TCA 70-4-120.
- (6) The following species specific traps - Egg Traps, Coon Cuffs, Lil' Grizz Getrz and Duffer's Raccoon Trap, are legal for furbearers during the legal trapping season.
- (7) For trapping purposes "water set" is defined to mean traps set in water adjacent to and part of streams, ponds, lakes, wetlands or other water courses and includes floating sets.

SECTION V. **AMMUNITION**

- (1) Possession of ammunition except that as specifically authorized is prohibited on all wildlife management areas, state refuges, and public hunting areas.
- (2) Possession or use of buckshot is specifically prohibited while hunting all species, except in those counties where authorized by Private Acts.
- (3) Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear, boar or feral hogs except in those counties where legal by Private Act.
- (4) Possession of shot larger than No. 4 is prohibited when hunting all wildlife except waterfowl, coyotes and beaver.
- (5) Possession of rifled slugs is prohibited except while hunting deer, bear, boar and feral hogs.
- (6) Possession or use of any loose shot other than non-toxic (as approved by U.S Fish and Wildlife Service) or any shotgun shell loaded with shot other than non-toxic is prohibited while hunting waterfowl, coots, gallinules, Virginia rails, and sora rails.

WILDLIFE PROCLAMATIONS

SECTION VI. POSSESSION OF LIVE ANIMALS

Every game animal, wounded or unwounded by hunting and/or trapping and taken into possession by the hunter or trapper, shall be immediately slain and become part of the daily bag limit. No person shall, at any time, or by any means, possess or transport live animals taken under the authority of hunting season proclamations.

SECTION VII. LEGAL HUNTING HOURS

- (1) All big game and small game species (except bullfrogs, raccoons, opossums, migratory birds, and the chasing of foxes) daylight hours only (30 minutes before official sunrise and until 30 minutes after official sunset) except turkey open only until official sunset.
- (2) Hunting of bullfrogs, raccoons, opossums, the chasing of foxes and the trapping of furbearers is permitted day or night unless restricted by Proclamation.
- (3) Migratory birds - To comply with federal regulations for migratory birds, unless restricted by proclamation.

SECTION VIII. MIGRATORY BIRD REGULATIONS

- (1) Federal regulations relative to baiting, firearms, bag and possession limits, wanton waste, tagging, and methods of hunting are hereby adopted and will be applicable to hunting and/or taking of species listed.
- (2) No person shall hunt migratory game birds with a shotgun of any description capable of holding more than three (3) shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- (3) All persons who hunt migratory game birds are required to have in their possession a valid Tennessee Migratory Bird Permit (TMBP) in addition to other required Tennessee licenses and permits, with the following exceptions:
 - (a) disabled veterans
 - (b) landowners hunting on their own land
 - (c) lifetime license holders
 - (d) residents of Tennessee under 13 years of age
 - (e) residents of Tennessee who are 65 or older
 - (f) Military personnel on leave or furlough
- (7) Refer to federal regulations 50 CFR Ch. 1 (21.41 and 21.43) for conditions and restrictions applicable to the taking of crows in certain depredation or health hazard situations outside of the crow sport hunting season.

WILDLIFE PROCLAMATIONS

SECTION IX. MISCELLANEOUS

- (1) On private property, hunting while in or on an ATV or other vehicle that cannot be licensed to operate on public highways in Tennessee is permitted provided the vehicle is stationary.
- (2) Hunters who have filled their seasonal or daily bag limit for any species may continue to accompany other hunters provided they are not in possession of any ammunition or any weapon. This person must also comply with all other legal requirements.

SECTION IX. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 05-09 dated May 19, 2005.

Proclamation No. 06-09 received and recorded the 16th day of June, 2006. (06-09)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-10 REGULATING SPRING WILD TURKEY HUNTING SEASONS AND BAG LIMITS

Pursuant to the authority granted by Tennessee Codes Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the following spring hunting seasons and bag limits for wild turkey hunting effective August 1, 2006.

SECTION I. GENERAL REGULATIONS

A. Prohibited Acts

The use of any type of food to feed or attract wild turkeys on WMAs. Shooting or stalking turkeys from a boat in Shelby, Dyer, Tipton, Lauderdale, Haywood or Obion counties prohibited. Calling or attempting to call wild turkeys using any call to mimic the sounds made by a wild turkey is prohibited from March 1st to the opening day of the spring turkey hunts on all WMAs.

A licensed turkey hunter, who has filled his/her bag limit or does not possess a valid permit for a quota hunt, may accompany another turkey hunter (except on WMAs where prohibited) and assist him/her in calling, but may not have a gun or bow in his possession.

B. Bag and Possession Limits

One bearded turkey per day, not to exceed four per season with no more than two per season on Wildlife Management Areas and Refuges except turkeys taken on all quota hunts are bonus turkeys.

Young Sportsmen hunt-One bearded turkey

C. Shooting Hours - Thirty (30) minutes before sunrise to sunset

D. Checking Stations - All hunters must check in at the area checking station prior to hunting on AEDC, Catoosa, Cheatham, Chuck Swan State Forest, Laurel Hill, LBL, Meeman Shelby Forest State Park and Natural Area, Natchez Trace State Forest (quota hunts only), Prentice Cooper State Forest, and Williamsport WMAs. Hunters are also required to check out at the conclusion of their hunt. All turkeys harvested on the statewide hunt or on WMAs must be taken by the most reasonably direct route to the nearest county or WMA check station on the day harvested. The permanent kill tag required for the legal possession will be issued at the checking station.

SECTION II. STATEWIDE TURKEY HUNTING SEASONS

(Exclusive of WMAs and Refuges unless listed in Section III.D below)

A. Statewide Turkey Season Dates – March 31 through May 13, 2007

B. Statewide Young Sportsmen Hunt (6-16 years of age) – March 24-25, 2007. Each youth must be accompanied by a non-hunting adult 21 years of age or older, who must remain in a position to take immediate control of the hunting device, who is not required to have a license.

WILDLIFE PROCLAMATIONS

SECTION III. WILDLIFE MANAGEMENT AREAS - SEASONS AND MISCELLANEOUS REGULATIONS

On all Young Sportsman Hunts, youth, ages 6-16, may participate but must be accompanied by an adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting device. Adults cannot hunt except as indicated otherwise.

Youth, ages 6-16, may participate on other WMA turkey hunts but must be accompanied by an adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting device except as otherwise noted.

- A. Regular Managed Hunts (No Hunter Quota)-Bag Limit - One bearded turkey per hunt not to exceed two turkeys per spring season (See Section I.B.).

AEDC	Four 3-day hunts: March 31-April 2, 13-15, 27-29, and May 4-6
Bear Hollow Mountain	Seven 3-day hunts: March 31- April 2, 6-8, 13-15, 20-22 27-29, May 4-6, 11-13, One 2-day Young Sportsmen hunt: March 24-25
Catoosa	Six 3-day hunts: April 6-8, 14-15, 17-19, 24-26, 27-29, May 1-3 One 2-day Young Sportsmen hunt: April 21-22
Cheatham	Five hunts: March 31-April 2, 6-8, 13-15, 18-22, 26-29 One 2-day Young Sportsmen hunt: March 24-25
Fall Creek Falls State Park	One hunt: April 7-16 (Archery Only)
Kyker Bottoms	All hunting is Young Sportsman (6-16 years of age): Same as Statewide Season. Each youth must be accompanied by an adult, 21 years of age or older, who may also hunt except on the March 24-25 Young Sportsmen hunt.
Laurel Hill	Six 3-day hunts: March 31-April 2, 6-8, 13-15, 20-22, 27-29, May 4-6
LBL	Two 7-day hunts: April 16-22, April 23-29. Hunters harvesting a turkey on a LBL quota hunt (Sect. III.B) may not hunt on the April 16-22 hunt.
Meeman-Shelby Forest State Park and Natural Area	One 1-day Young Sportsmen hunt: March 24
Natchez Trace State Forest	One 14-day hunt: April 16-29

WILDLIFE PROCLAMATIONS

North Chickamauga Creek(Including Natural Area Unit)	Open with Statewide season. Hunting allowed on Tuesdays, Thursdays and Saturdays only. Hunting ends at noon each day.
Prentice Cooper State Forest	Six 3-day hunts: April 3-5, 6-8, 10-12, 19-21, 24-26, 27-29
Williamsport	Two 3-day hunts: March 31 - April 2, 13-15
Wolf River	One 2-day Young Sportsmen hunt: March 24-25
B. Quota Managed Hunts (Quota turkey permit required)-Bag Limit-One bearded turkey per hunt (Turkey counts as a bonus bird).	
Chuck Swan State Forest	Seven 3-day hunts: March 29-31, April 5-7, 12-14 19-21, 26-28, May 3-5, 10-12 (125 hunter quota per hunt). Hunting ends at noon each day, hunters must be at check station by 1 p.m.
Holly Fork	One 2-day hunt: March 24-25 (4 hunter quota). Youth special populations only, ages 6-16. Youth special populations are determined by the TWRA and Tennessee Valley Authority (ie. life threatening medical condition, juvenile court trustee youth program). Youth must be accompanied by a non-hunting adult 21 years of age or older, who must remain in a position to take immediate control of the hunting device.
LBL	Two 2-day hunts: April 7-8, 12-13 (350 quota per hunt) One 2-day Young sportsmen hunt: March 31-April 1(300 hunter quota).
Meeman-Shelby Forest State Park and Natural Area	Three 3-day hunts: March 31-April 2, April 6-8 and April 13-15 (50 hunter quota per hunt). Successful hunters must check out at nearest county check stations.
Natchez Trace State Forest	Three 3-day hunts: March 31-April 2, 6-8 and 13-15. 96 hunter quota per hunt (48 south of I-40 only and 48 north of I-40 only). Hunters must sign in and out each day they hunt.
Oak Ridge	Two 2-day hunts: March 31-April 1, 14-15 (175 hunter quota per hunt). Hunting ends at noon daily, successful hunters must be at check station by 1 p.m. Scouting date for permit holders only March 24(6am to noon). Hunts subject to cancellation for national security. Hunting area may be reduced.
Wolf River	Two 3-day hunts: April 13-15 (25 hunter quota) and April 20-22 (30 hunter quota). Hunting ends at noon each day and successful hunters must check birds at Wolf River Check Station by 1p.m.

WILDLIFE PROCLAMATIONS

Yuchi Refuge
(at Smith Bend)

Five three-day hunts: March 30-April 1, April 13-15, 20-22, 24-26, May 1-3(10 hunter quota per hunt). Hunting ends at Noon EST. Walk-in only. No Access by Boat.

C. Special Managed Hunts (No Hunter Quota)

Cordell Hull (Wheel
Chair Bound Only
Hunting Zone) ¹

March 31-May 13. Wheel chair bound hunters only. Bag limit – two turkeys either-sex per season

South Cherokee
and Foothills

March 31-May 13.

March 24-25. Young Sportsmen hunt to coincide with the statewide young sportsmen hunt.

Fourth Fractional

March 31-May 13(Archery only).

D. Wildlife Management Areas and Refuges Open With Statewide Seasons and Bag Limits:

Alpine Mountain, Arnold Hollow, Bark Camp Barrens, Barkley (Units I and II), Bean Switch Refuge, Beaver Dam Creek, Big Sandy (including Gin Creek), Bogota, Bridgestone/Firestone, Browntown, Buffalo Springs, Camden (Units I and II), Cedar Hill Swamp, Charlotte Ann Fennell Neal, Cheatham Lake, Cheatham Lake Pardue Pond Refuge and Dyson Ditch Refuge (boat access only), Chickamauga, Chickasaw State Forest, Cold Creek Refuge, Cordell Hull, Cordell Hull Refuge, Cove Creek, Cummings Cove, Cypress Pond Refuge, Eagle Creek, Edgar Evins State Park, Ernest Rice, Flintville Hatchery, Gallatin Steam Plant (Archery only), Gooch, Harmon's Creek, Haynes Bottom, Henderson Island, Hiwassee Refuge, Hick Hill, Hickory Flats, Hop-in Refuge, Horns Bluff Refuge, Jarrell Switch, Jackson Swamp, John Tully, Keyes-Harrison, Kyles Ford, Lick Creek, Lick Creek Bottoms, Long Pond, Maness Swamp Refuge, Maple Springs, Mingo Swamp, MTSU, Mt. Roosevelt, Moss Island, New Hope, Nolichucky, Normandy, North Cherokee, Obion River, Old Hickory (including Lock 5 Refuge), Owl Hollow Mill, Pea Ridge, Percy Priest Unit I and Unit II, Pickett State Forest, Rankin, Royal Blue, Shelton Ferry, Standing Stone State Forest, Sundquist, West Sandy, Tellico Lake (except McGhee-Carson and Niles Ferry Units), The Boils, Three Rivers, Tie Camp, Tigrett, Tumbleweed, Watts Bar, White Lake Refuge, White Oak, Yanahli are open to coincide with the statewide seasons and bag limits.

SECTION IV. NATIONAL WILDLIFE REFUGE HUNTS-FEDERAL PERMIT REQUIRED. BAG LIMIT-ONE BEARDED TURKEY PER SEASON (quota hunts count as a bonus bird).

Chickasaw NWR

Three 4-day hunts. April 5-8, 12-15, 19-22. Hunter quota 75 per hunt. Non-toxic shot only.

Lower Hatchie NWR

Three 4-day hunts. April 5-8, 12-15, 19-22. Hunter quota 25 per hunt. Non-toxic shot only.

¹ Wheel Chair Only Hunting Zone – That portion of Cordell Hull WMA known as the Old Roaring Fork Campground (as posted).

WILDLIFE PROCLAMATIONS

Hatchie NWR	March 31–May 13. Non-quota (counts in statewide bag). March 24-25 – Young Sportsmen hunt to coincide with the statewide youth hunt and bag limit. Non-toxic shot only.
Tennessee NWR and Cross Creeks NWR	March 31–May 13. Non-quota (counts in statewide bag). March 24-25 – Young Sportsmen hunt to coincide with the statewide youth hunt and bag limit.
Reelfoot NWR	One three-day hunt. April 6-8. Hunter quota: Grassy Island-25, Long Point-25. Non-toxic shot only

SECTION IV. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation 05-15 dated May 19, 2005.

Proclamation No. 06-10 received and recorded this 16th day of June, 2006. (06-10)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-11

OPENING

HATCHIE, LOWER HATCHIE, REELFOOT, LAKE ISOM, CROSS CREEKS, CHICKASAW, AND TENNESSEE NATIONAL WILDLIFE REFUGES TO HUNTING

Pursuant to the authority granted by Tennessee code annotated sections, 70-4-107, 70-5-108 and 70-5-111 thereof, the Tennessee Wildlife Resources Commission, after making a survey of Hatchie, Lower Hatchie, Reelfoot, Lake Isom, Cross Creeks, Chickasaw, and Tennessee National Wildlife Refuges and finding that the supply of game is sufficient to allow hunting thereof as hereinafter described without the danger of extinction or depletion hereby proclaims the following regulations for the 2006-2007 season, effective August 1, 2006.

A federal permit required for all hunts. Quota permits are required for quota hunts and special federal regulations apply as specified. A signed refuge brochure serves as the permit for non-quota hunts, except on Tennessee and Cross Creeks where an annual permit is required for all hunts

All antlered deer taken on National Wildlife Refuges count toward the statewide antlered deer bag limit except on NWR quota hunts or as otherwise noted. Antler-less deer taken on NWR quota hunts or where specific NWR hunt dates are listed are bonus deer except as otherwise noted.

On all Young Sportsman Hunts, youth, ages 6-16, may participate but must be accompanied by an adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting device. Adults cannot hunt except as indicated otherwise. Adults must comply with fluorescent orange regulations, as specified for legal hunters when accompanying young sportsmen on Young Sportsman Big Game Hunts, except as indicated. Youth, ages 6-16, may participate on other NWR hunts (big game, small game, waterfowl, etc.) but must be accompanied by an adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting device, except as otherwise noted.

SECTION I. HATCHIE NATIONAL WILDLIFE REFUGE

Dove, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel and
Woodcock ¹

Same as statewide seasons (except closed during deer hunts and no spring squirrel season).
Bag and possession limit same as statewide regulations. Non-toxic shot only.

Deer (Archery)

One 23-day hunt. Sept. 23–Oct. 15, 2006. No hunter quota. Four deer, either sex (no more than two antlered). Counts in Unit A bag.

Deer (Archery/Muzzleloader/Gun)

Two 2-day hunts. Oct. 21-22, Nov. 11-12, 2006.
Hunter quota 250 per hunt. Two deer, either sex.
Deer counts as a bonus deer. Deer taken on quota gun hunts must be checked out at the refuge check station.

¹ Opossum and raccoon - hunting hours from sunset to one hour before sunrise.
Closed the night before and during any refuge deer seasons. Beaver and coyote may be taken on any hunt. Non-toxic shot only

WILDLIFE PROCLAMATIONS

Ducks, Geese and Coots ²
(Porter Tract only) ³

Tues., Thurs. and Sat. of both the early and regular statewide seasons (hunting until 12:00 noon only). Young Sportsmen hunt open on Saturday only during statewide season. Bag and possession limit in accordance with statewide regulations. Non-toxic shot only.

SECTION II. CHICKASAW AND LOWER HATCHIE NATIONAL WILDLIFE REFUGES

All small game and waterfowl hunting seasons and bag limits in accordance with statewide regulations (except closed during spring squirrel season). Rabbit, quail, dove, woodcock, and snipe hunting is closed during all young sportsmen deer, muzzleloader, and gun deer hunts. Raccoon and opossum hunting open with statewide seasons except closed on Friday and Saturday nights during deer muzzleloader and gun hunts. All hunting blinds will be portable and nothing of a permanent nature will be constructed. No axes or saws allowed on raccoon hunts. Waterfowl hunting until 12:00 Noon only. Temporary blinds and decoys must be removed at the end of each day's hunt. Non-toxic shot only.

Beaver and coyote may be taken during any scheduled hunt with any weapon legal for the hunt.

Deer (Archery)	Sept. 23- Oct. 27, Oct. 30-Nov. 3, Nov. 11- 17, Dec. 11-15, 2006. No hunter quota. Four deer, either sex (no more than two antlered). Counts in Unit A bag.
Deer (Archery/Muzzleloader/Gun) (Young Sportsman)	Two 2-day hunts. Oct. 28-29, 2006; Jan. 13-14, 2007. No hunter quota. Two deer (no more than one antlered). Counts in Unit A bag.
Deer (Archery/Muzzleloader)	One 7-day hunt. Nov. 4-10, 2006. No hunter quota. Two deer (no more than one antlered). Counts in Unit A bag.
Deer (Archery/Muzzleloader/Gun)	One 16-day hunt. Nov. 18 - Dec. 3, 2006. No hunter quota. Two deer, buck only. Counts in Unit A bag.
Deer (Archery/Muzzleloader)	One 7-day hunt. Dec. 4-10, 2006. No hunter quota. Two deer (no more than one antlered). Counts in Unit A bag.
Deer (Archery/Muzzleloader/Gun)	One 23-day hunt. Dec. 16, 2006 – Jan. 7, 2007. No hunter quota. Two deer, buck only. Counts in Unit A bag.

² Only portable blinds or blinds of native vegetation may be used. Blinds and decoys must be removed each day.

³ Porter Tract is that portion of the refuge that lies at the extreme east end of the refuge lying east of Richland Creek and the Big Eddy Road

WILDLIFE PROCLAMATIONS

SECTION III. SUNK LAKE PUBLIC USE MANAGEMENT AREA (NORTHERN UNIT ONLY)

Squirrel, Rabbit, Quail,
Raccoon and Opossum

Season same as statewide. Spring squirrel season closed. Bag and possession limit same as statewide. Non-toxic shot only.

Deer (Archery only)

Sept. 23- Oct. 27, Oct. 30-Nov. 3, Nov. 11- 17, Dec. 11-15, 2006. No hunter quota. Four deer, either sex (no more than two antlered). Counts in Unit A bag.

SECTION IV. TENNESSEE NATIONAL WILDLIFE REFUGE

Special federal permit required (except designated closed areas). Beaver and coyote may be taken on a scheduled hunt for other species with any weapon legal for the hunt.

Deer (Primitive Weapons: long bow, recurve bow and side hammered muzzleloaders with iron sights only)

One 2-day hunt. Sept. 16-17, 2006. Three deer (only one may be antlered). Hunter quota: Big Sandy Peninsula–150, Duck River Bottoms Unit–150, Duck River Uplands Unit–100, Britton Ford Peninsula–40, Busseltown–60. All deer harvested are bonus deer.

Deer (Archery/Muzzleloader/Gun)

Three 3-day hunts. Oct. 13-15, 27-29, Nov. 10-12, 2006. Three deer (only one may be antlered). Hunters must harvest an antlerless deer before harvesting an antlered deer. Hunter quota: Big Sandy Peninsula–150, Duck River Bottoms Unit–150, Duck River Uplands Unit–100, Britton Ford Peninsula–40, Busseltown–60. All deer harvested are bonus deer.

Deer/Turkey (Archery)

Same as statewide seasons through Nov. 14, 2006. No hunter quota. Closed during quota hunts and Young Sportsman hunts. Four deer, either sex, (no more than two antlered). One turkey either sex. Deer and turkey count in Unit A bag limit.

Deer (Archery/Muzzleloader/Gun)
(Young Sportsman)

One 2-day hunt. Sept 30-Oct. 1, 2006. No hunter quota. Three deer, either sex (no more than one antlered, bonus deer).

Squirrel

Aug. 26-Nov. 14, 2006. Closed during quota hunts and closed during Young Sportsman hunt. Bag and possession limits are same as statewide.

Raccoon

Oct. 16-19, Oct 30-Nov 2, 2006. Bag and possession limits are same as statewide.

Canada Goose

Same as statewide season until opening of early wood duck/teal season. Bag and possession limits in accordance with statewide regulations.

WILDLIFE PROCLAMATIONS

SECTION V. REELFOOT AND LAKE ISOM NATIONAL WILDLIFE REFUGES

Squirrel	<p>Reelfoot - Aug. 26-Oct. 14, 2006. Spring squirrel season closed. Bag and possession limits in accordance with statewide season. Non-toxic shot only.</p> <p>Lake Isom - Aug. 26-Nov. 14, 2006. Spring squirrel season closed. Bag and possession limits in accordance with statewide season. Non-toxic shot only.</p>
Raccoon	<p>Sept. 29-Oct. 14, 2006. No limit. Hunting hours – 7:00 pm until midnight only. Hunters must check out all raccoons for tagging. Non-toxic shot only.</p>
Deer (Archery)	<p>Reelfoot - Sept. 23-Oct. 27, Oct. 30-Nov. 3 2006. No hunter quota. Four deer, either sex (no more than two antlered). Counts toward statewide bag limit.</p> <p>Lake Isom - Sept. 23-Oct. 27, Oct. 30-Nov. 3, Nov. 11-14, 2006. No hunter quota. Four deer, either sex (no more than two antlered). Counts toward statewide bag limit.</p>
Deer (Archery/Muzzleloader/Gun) (Reelfoot Refuge only)	<p>One 3-day hunt. Nov. 10-12, 2006. Hunter quota–200 (100 permits for Long Point Unit and 100 permits for Grassy Island Unit). Two deer, either sex (no more than one antlered). All deer harvested are bonus deer. Harvested deer must be reported at refuge check station.</p>

SECTION VI. CROSS CREEKS NATIONAL WILDLIFE REFUGE

No hunting in safety zones as listed in NWR pamphlet. All other hunting (squirrel, turkey, archery deer) will be closed on weekends when quota deer hunts are scheduled.

Squirrel	<p>Aug. 26-Nov. 14, 2006. Bag and possession limit same as statewide. Closed when quota and young sportsman deer hunts are scheduled.</p>
Deer (Archery)	<p>One 2-day hunt. Sept. 16-17, 2006. Hunter quota: Southside: Northwest of Pool 5 Bridge–25, Southside: Southeast of Pool 5 Bridge–25, Northside of Cumberland River–50. Three deer, only one may be antlered. All deer harvested are bonus deer.</p>

WILDLIFE PROCLAMATIONS

Deer (Archery/Muzzleloader/Gun)	Two 3-day hunts. Oct. 20-22, Nov. 3-5, 2006. Hunter quota : Southside: Northwest of Pool 5 Bridge–25, Southside: Southeast of Pool 5 Bridge–25, Northside of Cumberland River–50. Three deer (only one may be antlered). Hunters must harvest an antlerless deer before harvesting an antlered deer. All deer harvested are bonus deer.
Deer/Turkey (Archery)	Same as statewide seasons through Nov. 14, 2006. No hunter quota. Closed during quota and young sportsman hunts. Four deer, either sex, (no more than two antlered). One turkey either sex. Deer and turkey count in Unit A bag limit.
Deer (Archery/Muzzleloader/Gun) (Young Sportsman)	One 2-day hunt. Sept 30 – Oct 1, 2006. No hunter quota. Three deer either sex (no more than one antlered). Bonus deer.
Canada Goose	Same as statewide season until opening of early wood duck/teal season. Bag and possession limits in accordance with statewide regulations.

SECTION VII. GENERAL REGULATIONS FOR HUNTING NATIONAL WILDLIFE REFUGES

1. Vehicles must remain on established roads. Roads may be closed due to adverse weather conditions. Park vehicles in a manner that will not interfere with normal flow of traffic.
2. Camping and fires are prohibited except in designated areas.
3. It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven. Temporary blinds or stands permitted on the day of the hunt only. All blinds and stands must be removed at the end of each day's hunt.
4. Dogs are prohibited except when used during the small game and migratory bird hunts.
5. Designated areas of refuges will be closed to all public entry to provide sanctuaries for waterfowl.
6. Small game hunters may only possess and use shotgun shells containing non-toxic shot in areas designated as high waterfowl use areas.
7. Hunters must possess a signed refuge brochure/permit.
8. All fall turkey hunts open in open counties on National Wildlife Refuges close ½ hour after sunset on Nov. 14.

SECTION VIII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals proclamation No. 05-11 dated May 19, 2005.

Proclamation 06-11 received and recorded this 16th day of June, 2006. (06-11)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-12 STATEWIDE FURBEARER HUNTING AND TRAPPING SEASONS AND BAG LIMITS (EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide furbearer hunting and trapping seasons and bag limits effective August 1, 2006.

SECTION I. HUNTING

Species	Opens	Closes	Daily Bag
Groundhog, Coyote, Nutria, Stripped Skunk, Beaver	Year-round		No Limit

Fox, Mink, Muskrat, Spotted Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit
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River Otter ¹

Regions I, II and III. That portion of Tennessee as defined by TWRA regional boundaries as published

Opens	Closes	Daily Bag
Friday before Thanksgiving	Feb. 15	No Limit

Region IV. That portion of Tennessee as defined by TWRA regional boundaries as published

Opens	Closes	Daily Bag
Friday before Thanksgiving	Jan. 15	No Limit

Bobcat	Opens Friday before Thanksgiving	Closes Feb. 15	Daily Bag 1
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Raccoon, Opossum ²

Western Unit

That portion of Tennessee west of and including Scott, Morgan, Roane, McMinn, and Bradley counties

	Opens	Closes	Daily Bag
Taking Season	Sunset 3 rd Friday in September	Sunrise Feb. 15	2 per person per night ³

¹ All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

² No limit on opossum

³ Night defined as one 24-hour period commencing at sunset.

WILDLIFE PROCLAMATIONS

Training Season	Year-round except where regulated by Private Act	No Taking Permitted
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Eastern Unit

That portion of Tennessee east of Scott, Morgan, Roane, McMinn, and Bradley counties

Taking Season	Opens Sunset 1 st Friday in November	Closes Sunrise Feb. 15	Daily Bag 2 per person per night ³
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Training Season	Year-round except where regulated by Private Act	No Taking Permitted
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SECTION II.

TRAPPING

Species	Opens	Closes	Daily Bag
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Groundhog, Coyote, Nutria, Beaver	Year-round		No Limit
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Bobcat, Fox, Mink, Muskrat, Opossum, Raccoon, Spotted Skunk, Striped Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit
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River Otter⁴

Regions I, II and III. That portion of Tennessee as defined by TWRA regional boundaries as published

	Opens Friday before Thanksgiving	Closes Feb. 15	Daily Bag No Limit
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Region IV. That portion of Tennessee as defined by TWRA regional boundaries as published

	Opens Friday before Thanksgiving	Closes Jan. 15	Daily Bag No limit
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³ Night defined as one 24-hour period commencing at sunset.

⁴ All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

WILDLIFE PROCLAMATIONS

The following counties are included in the statewide fox hunting and trapping seasons, after determining a need for the opening thereof:

Blount	Johnson	Overton
Carter	Knox	Pickett
Clay	Loudon	Putnam
Cocke	Macon	Rhea
Fentress	McMinn	Robertson
Hamblen	Meigs	Sevier
Haywood	Monroe	White
Jefferson		

SECTION VI. POSSESSION LIMITS

The possession limit for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

SECTION VII. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 05-12, dated May 19, 2005.

Proclamation No. 06-12 received and recorded this 16th day of June, 2006. (06-12)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-13

STATEWIDE BIG GAME HUNTING SEASONS AND BAG LIMIT (EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide big game seasons and bag limits, effective August 1, 2006.

SECTION I. WHITE-TAILED DEER

A. White-tailed Deer Hunting Units

For the purpose of these hunting regulations and better wildlife management, the State of Tennessee is hereby divided into three (3) deer units, as follows:

Unit

- A. Benton, Bledsoe, Bradley, Chester, Clay, Crockett, Decatur, DeKalb, Dyer, Gibson, Grundy, Hamilton, Hardin, Haywood, Henderson, Houston, Jackson, Lake, Lauderdale, Marion, McMinn, McNairy, Meigs, Obion, Overton, Perry, Putnam, Rhea, Roane, Sequatchie, Shelby, Stewart, Tipton, Van Buren, Warren, White.
- B. Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Morgan, Pickett, Polk, Scott, Sevier, Sullivan, Unicoi, Union, Washington.
- L. Bedford, Cannon, Carroll, Cheatham, Coffee, Davidson, Dickson, Fayette, Franklin, Giles, Hardeman, Henry, Hickman, Humphreys, Lawrence, Lewis, Lincoln, Macon, Madison, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Smith, Sumner, Trousdale, Wayne, Weakley, Williamson, Wilson.

B. White-tailed Deer Bag Limits and Season Dates

Statewide - Antlered Buck Bag Limit

The statewide bag limit for antlered bucks in Tennessee is three (3), except a hunter may take no more than two (2) antlered bucks from Unit B. No more than 1 antlered deer may be taken per day. The only way the bag limit of three antlered bucks may be exceeded is if bucks are taken on TWRA or NWR managed hunts where the bucks are noted as bonus deer in the section listing WMA regulations. Deer taken on Ft. Campbell are also bonus deer.

WILDLIFE PROCLAMATIONS

Units A and L - Bag Limits:

Season Type	Season Dates	Antlered Bag Limit		Antlerless Bag Limits	
		Unit A	Unit L	Unit A	Unit L
Archery	Sept. 23, 2006 - Oct. 27, 2006 Oct. 30, 2006 - Nov. 3, 2006 Nov. 11, 2006 - Nov. 17, 2006 Dec. 11, 2006 - Dec. 15, 2006	2	2	4	3/day
Muzzleloader	Nov. 4, 2006 - Nov. 10, 2006	1	2	4	3/day
	Dec. 4, 2006 - Dec. 10, 2006	1			
Gun	Nov. 18, 2006 - Dec. 3, 2006 Dec. 16, 2006 - Jan. 7, 2007	2	2	See Quota Hunt Table – Section C for antlerless hunts	3/day * (Type 94 permit required)
Young Sportsman **	Oct. 28 – Oct. 29, 2006	1	1	2	2
	Jan. 13 – Jan 14, 2007	1	1	2	2

Unit B - Bag Limits:

Season Type	Season Dates	Deer Bag Limits (see Note below)
		Unit B
Archery	Sept. 23, 2006 - Oct. 27, 2006 Oct. 30, 2006 - Nov. 3, 2006 Nov. 11, 2006 - Nov. 17, 2006	2 deer, either sex
Muzzleloader	Nov. 4, 2006 - Nov. 10, 2006	1 deer, antlered only (this deer may be either sex Nov. 4-6)
	Dec. 8, 2006 - Dec. 10, 2006	1 deer, antlered only
Gun	Nov. 18, 2006 - Nov. 26, 2006 Dec. 16, 2006 - Jan. 3, 2007	2 deer, antlered only See Quota Hunt Table – Section C for antlerless hunts
Young Sportsman **	Oct. 28 – Oct. 29, 2006	1 deer, either sex
	Jan. 13 – Jan 14, 2007	1 deer, either sex

* A Type 94 permit is required to hunt antlerless deer during this season except for landowners hunting under the landowner exemption (as described in T.C.A. 70-2-204), Sportsman license holders (including Lifetime Sportsman), and hunters who possess a Type 167 permit.

** Youths 6-16 years of age may participate. Each young sportsman must be accompanied by a non-hunting, adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting device and who must also comply with fluorescent orange regulations, as specified for legal hunters.

WILDLIFE PROCLAMATIONS

Note: The statewide antlered buck limit is three (3), except no more than two (2) antlered bucks may be harvested in Unit B. Antlered deer must have antlers a minimum of three inches (3") in length on buck only or antlered only hunts. Antlerless deer are defined as deer with no antlers or deer with antlers less than three inches (3") in length.

C. Antlerless White-tailed Deer Special Hunts

The following counties and portions of counties are open to antlerless deer hunting during the regular gun season as specified.

Quota Hunts -- *Special quota permit required, except for landowners hunting under the landowner exemption (as described in T.C.A. 70-2-204).* Bag-limit one deer per permit except where noted.

Note: Blount and Knox counties allow a bag limit of 2 deer per permit.

Houston and Stewart counties allow a bag limit of 3 deer per permit.

Non-quota Hunts -- *No hunter quota but a Type 94 permit is required except for landowners hunting on their own land, Sportsman license holders (including Lifetime Sportsman), and hunters who possess a Type 167 permit.*

Note: Unit A & B: the bag limit for each county for each non-quota hunt is defined in the Table.

Unit L: a hunter may harvest 3 antlerless deer per day during the regular gun season.

Quota Hunts							Non-Quota Hunts		
COUNTY	Nov 18- Nov 19	Nov 20- Nov 23	Nov 24- Nov 28	Nov 29- Dec 3	Dec 16- Dec 18	Dec 16- Dec 24	Dec 16 - Dec 22	Dec 23- Dec 29	Dec 30- Jan 7
	NUMBER OF PERMITS PER HUNT						NUMBER OF DEER PER HUNT		
Anderson ¹					250				
Benton								2	2
Blount ^{2, *}						200			
Bradley		500	500						
Carter ³					100				
Chester	100						2	2	2
Claiborne					250				
Clay			200				2		
Crockett									2
Cumberland					100				
Decatur							2	2	2
DeKalb								2	2
Dyer									2
Fentress					100				
Gibson				100			2	2	2
Grainger					250				
Greene ³					100				
Hamblen					100				
Hamilton		500	500						
Hancock					250				

WILDLIFE PROCLAMATIONS

Quota Hunts							Non-Quota Hunts		
COUNTY	Nov 18- Nov 19	Nov 20- Nov 23	Nov 24- Nov 28	Nov 29- Dec 3	Dec 16- Dec 18	Dec 16- Dec 24	Dec 16 - Dec 22	Dec 23- Dec 29	Dec 30- Jan 7
Hardin			400	400			2	2	2
Hawkins ⁴						1000			
Hawkins									
Haywood		400	400	400			2	2	2
Henderson							2	2	2
Houston ^{**}	800	800	800	800			3	3	3
Jackson			200						
Jefferson					250				
Johnson ³					100				
Knox [*]						250			
Lake									2
Lauderdale									2
Loudon					100				
McMinn		750	750						
McNairy				200			2	2	2
Marion			500						
Meigs		750	750						
Obion							2	2	2
Overton			200				2		
Perry								2	2
Rhea		750	750						
Roane		750	750						
Sevier ⁵					100				
Shelby								2	2
Stewart ^{**}	800	800	800	800			3	3	3
Sullivan ³						250			
Van Buren			300						
Warren								2	2
White			500						

- 1 Anderson County east of State Highway 330 and east of Briceville Highway only.
- 2 Blount County West of Highway 411 and east of Highway 129.
- 3 Excludes Cherokee WMA.
- 4 Holston Army Plant - Four one day hunts: Nov. 18, 19, 25 and 26. 80 Hunter quota each.
Bag limit 2 antlerless deer per permit on all huntsNote: Holston Army Ammunition Plant – additional installation permit fee required if drawn
- 5 Sevier County North of Highway 411.

* - Indicates bag limit of 2 deer per permit for quota hunts.
 ** - Indicates bag limit of 3 deer per permit for quota hunts.

WILDLIFE PROCLAMATIONS

D. Special Regulations

1. **Big Game Tagging** – It is unlawful to move, transport, or field dress any big game animal, except for feral hogs, without invalidating and attaching a properly completed temporary kill tag. If additional animals are to be harvested on that calendar day, the hunter is not required to stop hunting and tag the animal until he/she is ready to move, transport, or field dress the animal. All animals harvested must be accompanied by one tagged animal and must be taken together to the nearest big game checking station by the most reasonably direct route where one new temporary kill tag will be issued. The permanent harvest tag is a legal document and must be signed by the hunter. By signing the permanent harvest tag, the hunter is affirming that the information, as it appears on the permanent tag, is correct and valid. The permanent game tag must remain with each carcass until final processing. Persons legally hunting without a license are also required to take any big game animal harvested to a check station. After receiving a temporary harvest tag from checking in their first kill, these persons must comply with all tagging regulations. All big game taken to a taxidermist to be mounted must be accompanied by documentation showing the permanent game tag number, checking station number, and date of kill.

SECTION II. FERAL HOG SEASONS (No hunting with dogs allowed except where indicated.)

Feral hogs are defined as any wild hog found in Tennessee except on Catoosa, South Cherokee, and Foothills WMA's. Feral hogs are considered big game but are not required to be tagged or checked in at big game checking stations.

Private lands (Public Hunting Areas are considered private land)

Year round season, except in holdings on Catoosa WMA and South Cherokee where season is open with statewide deer seasons with no dogs.	No limit -either sex
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Publicly owned lands

Open during scheduled white-tailed deer hunts unless otherwise specified.	No limit -either sex
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Big South Fork National River and Recreation Area is also open from Jan. 17-Feb. 28, 2007.	No limit -either sex
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In the following counties dogs may be used for feral hog hunting on the dates indicated: ⁶

Monroe, Polk (East of Hwy. 411 & North of Hwy. 64)

Gun-Muzzleloader-Archery (Dogs Permitted)	Oct. 9-16, 2006 No limit-Either Sex
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Blount, Cocke (South of I-40), and Sevier

Gun-Muzzleloader-Archery (Dogs Permitted)	Sept. 25-Oct 1, 2006 No limit-Either Sex
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Dates inclusive.

WILDLIFE PROCLAMATIONS

Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 13-16, 2006 No limit-Either Sex
Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 30-Dec. 8, 2006 No limit-Either Sex

Cocke (North of I-40), Monroe, Polk (East of Hwy. 411 & North of Hwy. 64)

Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 13-14, 2006 No limit-Either Sex
Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 30-Dec. 13, 2006 No limit-Either Sex

SECTION III. BEAR.

The Following Counties Are Open For Bear Hunting:

Carter, Cocke (North of I-40), Greene, Johnson, Monroe, Polk (that portion east of Hwy. 411 and north of Hwy. 64), Sullivan (that portion east of I-81), Unicoi, and Washington

Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 13-14, 2006 1 per year-Either Sex
Gun-Muzzleloader-Archery (No Dogs)	Nov. 25-Nov. 26, 2006 1 per year-Either Sex
Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 30- Dec. 13, 2006 1 per year-Either Sex.

Blount, Cocke (South of I-40), and Sevier

Gun-Muzzleloader-Archery (Dogs Permitted)	Sept. 25-Oct 1, 2006 1 per year-Either Sex.
Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 13-16, 2006 1 per year-Either Sex
Gun-Muzzleloader-Archery (Dogs Permitted)	Nov. 30-Dec. 8, 2006 1 per year-Either Sex

Blount and Sevier

Archery Only (No Dogs)	Oct. 7-15, 2006 1 per year-Either Sex.
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WILDLIFE PROCLAMATIONS

The Following Counties Are Open For A Bear Dog Training Season:

Cocke, Greene, and Sevier Counties.

Sept. 5-18, 2006. No bears may be taken. No weapons may be possessed. Daylight hours only.

The Following Counties Are Open For A Bear Dog Training Season (Private lands only):

Blount, Carter, Johnson, Sullivan (that portion east of I-81), Unicoi, and Washington

Sept. 5-18, 2006. No bears may be taken. No weapons may be possessed. Daylight hours only.

Special Bear Hunting Regulations:

1. The limit of bears for any person participating in the statewide or managed hunts or both shall not exceed one (1) bear per calendar year.
2. Cubs or female bears with cubs at side may not be taken at any time. A cub is defined as any bear weighing seventy-five (75) pounds or less.
3. All harvested bears must be checked out at an official checking station. Bears may be whole or field dressed, but must weigh 75 pounds or greater when checked in.

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SECTION IV. FALL TURKEY (Shotgun/Archery)

The following counties are open for archery only fall turkey hunting during fall archery only deer seasons. Bag limit for this season is one turkey either-sex. These same counties are open for one quota gun fall turkey hunt on Nov 11-17 with a bag limit of one turkey either-sex per permit with the exception that those counties indicated by an asterisk (*) are open Nov. 11-17 and Dec. 11-15 and have a bag limit of 2 either sex turkeys per permit.

Bedford*	800 Hunter Quota	Morgan	50 Hunter Quota
Benton	50 Hunter Quota	Overton	50 Hunter Quota
Cannon*	400 Hunter Quota	Perry	50 Hunter Quota
Carroll	50 Hunter Quota	Pickett	50 Hunter Quota
Carter	50 Hunter Quota	Putnam	50 Hunter Quota
Cheatham*	500 Hunter Quota	Robertson*	800 Hunter Quota
Claiborne	100 Hunter Quota	Rutherford*	800 Hunter Quota
Clay	50 Hunter Quota	Scott	50 Hunter Quota
Cocke	100 Hunter Quota	Sevier	100 Hunter Quota
Coffee*	400 Hunter Quota	Smith*	500 Hunter Quota
Davidson	100 Hunter Quota	Stewart	100 Hunter Quota
Decatur	50 Hunter Quota	Sullivan	50 Hunter Quota
DeKalb*	500 Hunter Quota	Sumner*	600 Hunter Quota
Dickson*	1500 Hunter Quota	Trousdale*	750 Hunter Quota
Fayette	100 Hunter Quota	Union	50 Hunter Quota
Fentress	50 Hunter Quota	Warren	300 Hunter Quota
Franklin*	600 Hunter Quota	Wayne*	500 Hunter Quota
Giles*	1000 Hunter Quota	Weakley	50 Hunter Quota
Grainger	100 Hunter Quota	White	200 Hunter Quota
Greene	150 Hunter Quota	Williamson*	1000 Hunter Quota
Hamblen	50 Hunter Quota	Wilson*	750 Hunter Quota
Hancock	100 Hunter Quota		
Hardeman	50 Hunter Quota		
Hardin	50 Hunter Quota		
Hawkins	150 Hunter Quota		
Henderson	50 Hunter Quota		
Henry	100 Hunter Quota		
Hickman*	1000 Hunter Quota		
Houston	100 Hunter Quota		
Humphreys	100 Hunter Quota		
Jackson	50 Hunter Quota		
Jefferson	100 Hunter Quota		
Johnson	50 Hunter Quota		
Lawrence*	800 Hunter Quota		
Lewis	600 Hunter Quota		
Lincoln*	1200 Hunter Quota		
Macon*	400 Hunter Quota		
Madison	100 Hunter Quota		
Marion*	300 Hunter Quota		
Marshall*	1000 Hunter Quota		
Maury*	1000 Hunter Quota		
McNairy	50 Hunter Quota		
Montgomery*	1200 Hunter Quota		
Moore	300 Hunter Quota		

WILDLIFE PROCLAMATIONS

SECTION V. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamations No. 05-13, dated May 19, 2005.

Proclamation No. 06-13 received and recorded this 16th day of June, 2006. (06-13)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION PROCLAMATION - 1660

PROCLAMATION 06-14 WILDLIFE MANAGEMENT AREAS HUNTING SEASONS, LIMITS AND MISCELLANEOUS REGULATIONS

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the wildlife management areas hunting seasons, limits and miscellaneous regulations, effective August 1, 2006.

Note: Migratory Bird Season Dates and Limits are pending in lieu of Federal Frameworks.

SECTION 1. GENERAL

A. Hunting Season

1. Management areas open on dates shown and as otherwise indicated.
2. Small game hunting and dog training closed at sunset on the day before and during scheduled big game hunts on the following Wildlife Management Areas, unless special exception indicated: AEDC, Bridgestone/Firestone Centennial Wilderness, Buffalo Springs, Catoosa, Chuck Swan State Forest, Cove Creek, Eagle Creek, Foothills, Hiwassee Refuge, Laurel Hill, Prentice Cooper State Forest, Reelfoot, the Thief Neck Island Unit of Watts Bar, Williamsport, and Yuchi Refuge at Smith Bend.
3. Coyote may be taken on any hunt with the weapon legal for that hunt.
4. Season open on groundhog, fox and skunk on all wildlife management areas during any scheduled small game hunt unless special exception is indicated. Crow may be taken on small game hunt days that coincide with statewide crow season.
5. Raccoon and opossum hunting is from sunset of the date shown to sunrise of the next day.
6. Bobcat may be taken on any big game or small game hunt that coincides with the statewide bobcat season, except Oak Ridge WMA.
7. Falconry open with statewide falconry seasons.
8. Small game (except raccoon) and retriever field trials permitted year-round with approval of the Area Manager unless otherwise specified.
9. Raccoon hound field trials permitted Sept. 1–Apr. 30 unless prohibited.
10. Dog training for small game Sept. 1–Mar. 15 unless otherwise indicated. Dog training prohibited on Eagle Lake Refuge, Fall Creek Falls State Park, Foothills, Ft. Loudoun, Gallatin Steam Plant, Joachim Bible Refuge Unit of Lick Creek Bottoms, Oak Ridge, Niles Ferry Unit of Tellico Lake, and South Fork Refuge.

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11. Spring squirrel season, May 12–June 10, 2007, except closed on the following areas: Cherokee, Eagle Lake Refuge, Edgar Evins State Park, Fall Creek Falls State Park, Foothills, Forks of the River, Gallatin Steam Plant, Haley-Jaqueth, Henderson Island, Kingston Refuge, Lick Creek Bottoms, Meeman-Shelby State Park and Natural Area, Oak Ridge, Paint Rock Refuge, Rankin, Tellico Lake (McGhee-Carson and Niles Ferry Units only), and Yuchi Refuge at Smith Bend. Daily bag limit is 10 squirrels and the possession limit is 20. Hunting with dogs is not allowed, unless exception is noted.
12. Waterfowl hunting from temporary blinds – no blinds or decoys left overnight unless otherwise specified by rule or proclamation.
13. Feral hogs ¹ may be taken during any big game hunt on wildlife management areas or refuges, unless otherwise specified. Wild boar seasons are open as indicated.
14. All game killed or crippled shall be retrieved if possible and retained in the custody of the hunter in the field. No game may be discarded on the premises of the management area.
15. Persons participating in a sanctioned field trial on a WMA, as authorized by the TWRA, may shoot to retrieve mallards. Mallards used in these trials must be held and released in accordance with all state laws, rules and regulations governing captive wildlife.
16. The use of ATVs is prohibited on state parks and state natural areas by TDEC rules and regulations.

B. Bag and Possession Limits

1. One deer may be taken on each managed hunt where a permit is required except as otherwise indicated. Deer taken on buck-only hunts must have antlers a minimum of three inches (3") in length.
2. Statewide bag and possession limits shall apply unless special exception is indicated.

C. Miscellaneous Regulations

1. Muzzleloading weapons legal on all Gun-Archery hunts except where indicated.
2. Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear or boar.

¹ Feral Hogs Are Defined As Any Wild Hog Found In Tennessee, Except On Catoosa, South Cherokee, And Foothills Wmas

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3. Dogs allowed for small game hunting. Special regulations apply where indicated.
4. On all "Young Sportsman Hunts," youths, ages 6-16, may participate but must be accompanied by an adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting devise. Adults cannot hunt except as indicated otherwise. Adults must comply with fluorescent orange regulations, as specified for legal hunters when accompanying young sportsmen on "Young Sportsman Big Game Hunts," except as indicated.
Youths, ages 6-16, may participate on other WMA hunts (big game, small game, waterfowl, etc.) but must be accompanied by an adult, 21 years of age or older, who must remain in a position to take immediate control of the hunting devise except as otherwise noted.
5. If WMAs are designated as being open with the statewide season, then deer harvested count towards the statewide bag limit. If a specific hunt date and bag limit are listed, the deer are considered bonus deer and are not counted against the statewide bag limit unless otherwise noted. WMA bag limits listed are per hunt.
6. The placement or depositing of any type of food to feed or attract wildlife on WMAs is prohibited
7. Where persons are required to wear fluorescent orange, they must wear on their upper body and head a minimum of 500 square inches of daylight fluorescent orange visible front and back.
8. Wheelchair-bound hunts, zones, or blinds are open to hunters who are totally and permanently confined to a wheelchair as certified by a physician.
9. On wheelchair-bound deer hunts, each wheelchair-bound hunter must be accompanied by a non-hunting assistant (age 16 years or older) except on Cordell Hull Refuge and Yuchi Refuge at Smith Bend where the assistant may also participate in hunting. On wheelchair-bound waterfowl hunts, each wheelchair-bound hunter must be accompanied by at least one, but not more than three assistants (at least one of whom must be age 16 years of age or older), who may also participate in hunting.
10. Persons already holding a blind permit may not participate in wheelchair-blind permit drawings. If a wheelchair-bound blind is not occupied by legal shooting hours, it may be occupied by another wheelchair-bound hunter for that day. Applications for wheelchair-bound waterfowl blind permits must be received by the appropriate regional office by noon on the 4th Friday in October.
11. Release or possession of pen raised game birds is prohibited unless otherwise specified

SECTION II. WILDLIFE MANAGEMENT AREAS AND REFUGES – SEASON AND BAG LIMITS

- A. The following areas or units are open to hunting as set out in the statewide seasons and bag limits except as noted:

Alpine Mountain	Lick Creek (1)(2)
Arnold Hollow (1)	Long Pond (1)(9)(10)
Barkley Unit II (1)(2)	Maple Springs (1)
Beaver Dam Creek (1)	Mingo Swamp (1)
Browntown (1)	MTSU (1)
Camden Unit II (1)(2)(3)	Mt. Roosevelt (11)

WILDLIFE PROCLAMATIONS

Cedar Hill Swamp (1)(4)	New Hope (1)(2)
Charlotte Ann Finnell Neal (5)	Normandy (1)
Cove Creek (1)(6)(7)	Owl Hollow Mill (1)(12)
Cummings Cove	Pickett State Forest
Cypress Pond Refuge (1)(8)(9)	Shelton Ferry (1)(13)
Harmon Creek (1)(2)	Standing Stone State Forest (14)
Hick Hill (1)	The Boils (15)
Horns Bluff Refuge (1)(4)(8)	Tie Camp
Jarrell Switch Refuge (1)(8)(9)	Tigrett (1)(2)(16)
Keyes-Harrison	Tumbleweed (1)
Kyles Ford	Watts Bar (17)(18)

1. Squirrel hunting with dogs is permitted during the spring squirrel season.
2. Young Sportsman deer (Gun-Archery) hunt on Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.
3. Dog training open Sept. 1–Mar. 15, except closed during the late duck season.
4. Archery Only
5. Archery equipment only for deer hunting
6. Season closed March 1–fourth Saturday in August, except during turkey and spring squirrel seasons. Dog training Sept. 1–Mar. 1.
7. Closed to quail and grouse hunting.
8. Closed to all hunting and dog training Nov. 1–Mar. 1.
9. Closed to waterfowl hunting.
10. Closed to all access from Nov. 1–May 1.
11. Entire area open to Unit B deer season.
12. Deer season closed after Dec. 15. Squirrel hunting with dogs allowed during spring squirrel season.
13. Deer - Archery equipment only except firearms allowed during first Young Sportsman hunt.
14. Buck only bag limit during the muzzleloader seasons. Deer count toward statewide bag. Closed to county special season antlerless hunts.
15. Closed to quail hunting
16. Waterfowl hunting shall close at 3:00 p.m. (CST) each day of the regular statewide waterfowl seasons, except the last day of duck seasons and remaining goose seasons when hunting shall close at sunset.
17. Thief Neck Island Unit –Archery equipment, muzzleloader, and shotguns only for deer hunting. Deer count toward statewide bag. Young Sportsman deer (Shotgun-Muzzleloader-Archery) hunt on Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season closed on this area during this hunt. Shotguns only for small game.
18. Long Island Unit – Archery equipment, muzzleloader and shotguns only.

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B. The following areas or units are open to hunting as specified:

AEDC and Woods Reservoir Refuge

Beaver, Dove, Grouse, Quail, Opossum, Rabbit,
Raccoon, Snipe, Squirrel, Woodcock

Same as statewide season, except that beaver may be taken only during other small game hunts. Woods Reservoir Refuge – small game hunting closed Dec. 1 – Jan. 31. Squirrel hunting with dogs allowed during spring squirrel season. Shotguns only. Air rifles are legal for hunting small game except migratory birds.

Deer/Turkey (Archery)

One 3-day hunt. Sept. 22-24. Hunter quota 1500. Two deer, either sex (bonus deer) but only one can be antlered. One turkey, either sex.

Deer/Turkey (Archery)

One 3-day hunt. Sept. 29–Oct. 1. No hunter quota. Two deer, either sex (bonus deer) but only one can be antlered. One turkey, either sex.

Deer (Shotgun-Muzzleloader-Archery)(Young Sportsman)

One 2-day hunt. Oct. 7-8. No Hunter quota. One deer, either sex (bonus deer).

Deer (Shotgun-Muzzleloader-Archery)

One 2-day hunt. Oct. 11-12. Hunter quota 300. One deer, either sex (bonus deer). Hunting allowed in the National Guard Training Area and Rifle Range Safety Zone only. Scouting days: Oct. 9-10.

Deer (Shotgun-Muzzleloader-Archery)

Four 2-day hunts. Oct. 21-22, 28-29, Nov. 11-12, Nov. 25-26. Hunter quota 750. One deer, either sex (bonus deer).

Deer/Turkey (Archery)

One 3-day hunt. Dec. 1-3. No hunter quota. Two deer, either sex (bonus deer) but only one can be antlered. One turkey, either sex. Waterfowl hunting permitted during deer hunt.

Wheelchair-bound Hunter Zone

Wheelchair-bound hunters only in the old “Camp Forrest” area of AEDC (north of Wattendorf Hwy., west of Rifle Range Rd., and south of the railroad track) during the following hunts: Nov. 11-12, Nov. 25-26.

Waterfowl

Hunting from registered blind sites only on Woods Reservoir except during the early duck season; also, Canada goose hunting is allowed outside of blinds upstream from Morris Ferry Bridge except during the duck season. Same as statewide seasons except open on Wednesday, Thursday, Saturday and Sunday of the late duck season and the first and last day of each segment of the late duck season. Waterfowl hunting allowed on Woods Reservoir during deer hunts when waterfowl season is open. During the September and

WILDLIFE PROCLAMATIONS

Dog Training	October waterfowl seasons, hunting is permitted outside of registered blinds on Woods Reservoir except 150 yards out from the bank beginning at the Pumping Station and going west to Arnold Village slough and beginning at the Famcamp slough and going west to the Rowlands Creek causeway. During the youth waterfowl hunting season, hunting on Woods Reservoir allowed outside blinds upstream from Morris Ferry Bridge. Downstream from Morris Ferry registered blind sites only.
Special Regulations	<p>Sept. 1–Mar. 15. Daylight hours only.</p> <p>Public use of Woods Reservoir Refuge, including all forms of trespass, is prohibited Dec. 1–Jan. 31, except as otherwise indicated.</p> <p>ATVs and motorcycles are prohibited on AEDC except ATVs can be used only in the Rifle Range Safety Zone during the Oct. 11–12 hunt and the Oct. 9–10 Rifle Range scouting days. ATVs are also allowed for use by wheelchair-bound hunters hunting in the wheelchair-bound hunt zone during the Nov. 11–12 and Nov. 25–26 hunts.</p> <p>Unauthorized digging on Arnold Air Force Base is prohibited for safety and legal reasons. Buried and unexploded ordnance (UXO) could be encountered and unauthorized ground disturbance is a violation of Federal law</p> <p>Rimfire and centerfire rifles and all handguns including muzzleloading pistols are prohibited.</p>
Bark Camp Barrens	
Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock, Opossum, Raccoon, Deer, Waterfowl	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season. All deer hunting closes after Dec. 15. Deer count toward statewide bag.
Crow	July – August.
Barkley Unit I	
Deer, Small Game, Turkey	Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	Oct. 7–8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.

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Waterfowl	Same as statewide seasons except as noted. During the late duck season, all activities are prohibited in the subimpoundments when waterfowl hunting is closed. Duck seasons 45 days or longer: Hunting of waterfowl during the late duck and goose seasons permitted only on Wednesday, Thursday, Saturday, Sunday, and the first and last day of each segment of the late duck and goose seasons. Duck seasons under 45 days: Hunting of waterfowl during the late duck and goose seasons permitted only on Wednesday, Thursday, Saturday, Sunday, Monday and the first and last day of each segment of the late duck and goose seasons.
Dog Training	Sept. 1–Mar. 15, except closed during the late duck season
Special Regulations	All activities are prohibited in the subimpoundments five days before the opening day of the statewide duck season. Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season(s).

Bean Switch Refuge

Deer, Small Game (Except Dove and Waterfowl), Turkey	Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.
Special Regulations	Closed to all hunting and dog training, Nov. 1–Mar. 1.

Bear Hollow Mountain

Dove, Squirrel, Grouse, Quail, Rabbit, Raccoon, Snipe, Opossum, Woodcock	Same as the statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Deer/Turkey (Archery)	Five 3-day hunts. Sept. 23-25, Sept. 29-Oct. 1, Oct. 6-8, 20-22. No hunter quota. One deer and one turkey, either sex per hunt. Antlered bucks count toward statewide buck bag limit.
Deer (Young Sportsman)	One 2-day hunt. Oct. 28-29. No hunter quota. One deer, either sex. Antlered bucks count toward statewide buck bag limit.
Deer (Muzzleloader-Archery)	Two 3-day hunts. Nov. 4-6, Dec. 8-10, no hunter quota. One deer, either sex per hunt. Antlered bucks count toward statewide buck bag limit.

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Deer (Gun-Muzzleloader-Archery)	Three 3-day hunts. Nov. 24-26, Dec. 1-3, 16-18. No hunter quota. One deer, either sex per hunt. Antlered bucks count toward statewide buck bag limit.
Deer (Gun-Muzzleloader-Archery)	One 10-day hunt. Dec. 22-31. No hunter quota. Two deer either sex. Antlered bucks count toward statewide buck bag limit.
Special Regulations	ATVs and other types of ORVs are prohibited.
Big Sandy and Gin Creek	
Deer, Small Game, Turkey	Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.
Waterfowl	Same as statewide season except hunting of waterfowl during the late duck and goose seasons permitted only on Wednesday, Thursday, Saturday, Sunday, Monday, and the first and last day of each segment of the late duck and goose seasons.
Dog Training	Sept. 1–Mar. 15, except closed during the late duck season.
Special Regulations	All activities are prohibited in the subimpoundments five days before the opening day of the statewide duck season. During the late duck season, all activities are prohibited in the subimpoundments when waterfowl hunting is closed. Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season(s).
Black Bayou Refuge	
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Same as statewide seasons, except closed to all hunting after Nov. 14. Nontoxic shot approved by the U.S. Fish and Wildlife Service only. Squirrel hunting with dogs allowed during spring squirrel season.
Rabbit (Quota Hunt)	Four 1-day hunts. Oct. 7, 8, 14, 15. Six parties per hunt. Six hunters per party. Six dogs per party. Five rabbits per hunter.

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	Sign-up for hunt will be at the Reelfoot Lake WMA office parking lot at Reelfoot Lake, Sept. 9, between the hours of 9:00 a.m. and 12:00 noon. A drawing for permits will be held immediately following the sign-up period.
Deer (Archery)	Two hunts. Sept. 23–Oct. 27, Oct. 30–Nov. 12. No hunter quota. Three deer, either sex per segment (bonus deer). Small game hunting allowed during deer hunts.
Deer (Young Sportsman)	One 2-day hunt. Oct. 28-29. No hunter quota. One deer, either sex. Deer count toward statewide bag.
Dog Training	Sept. 1–Nov. 12.
Bogota	
Special Dove (Young Sportsman)	Sept. 2. Noon until sunset. Each Young Sportsman must be accompanied by a non-hunting adult
Dove, Opossum, Raccoon, Squirrel, Deer	Same as statewide except dove opens Sept. 3 (designated fields only). All hunting, except waterfowl closes Nov. 1. Deer count toward statewide bag.
Waterfowl (Pool 1 only)	Same as statewide season except hunting of waterfowl during the late duck season permitted only on Friday, Saturday, Sunday, and the first and last day of each segment of the late duck season. All hunting shall cease at 3:00 p.m. (CST) each day, except the last day of the season when hunting shall close at sunset.
Dog Training	Sept. 1–Oct. 31
Bridgestone/Firestone Centennial Wilderness	
Dove (Young Sportsman)	Sept.2. Each Young Sportsman must be accompanied by a non-hunting adult. Hunting starts at noon.
Dove	Sept. 4, and the remainder of the statewide season.
Crow, Grouse, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring squirrel season.
Opossum, Raccoon	Same as statewide season, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 1.
Deer (Archery)	Five 3-day hunts. No hunter quota. Sept. 23-25, Sept. 26-28, Sept. 29–Oct. 1, Oct. 2-4, 5-7. One deer, either sex (bonus deer).
Deer (Archery)	One 5-day hunt. Dec. 11-15. No hunter quota. One deer, either sex (bonus deer)
Deer (Gun-Archery)(Young Sportsman)	One two-day hunt. Oct. 28-29. No hunter quota. One deer, either sex (bonus deer).

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Deer (Gun-Archery)	One 9-day hunt. Nov. 18-26. No hunter quota. Two deer, buck only. Deer count toward statewide bag.
Special Regulations	No ATV, motorcycle, or horseback riding permitted.
Buffalo Springs	
Dove	Sept. 1, 2, 4. Noon until sunset only. Open every day thereafter during the statewide dove season. Hunter quota 55. Staked positions only. A random drawing will be held at 11 a.m. on Sept. 1 and 2. Otherwise, first come, first served.
Deer, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season. Deer count toward statewide bag.
Special Regulations	Waterfall parking area closed one hour after sunset until one hour before sunrise. Use or possession of alcohol is prohibited in the waterfall area. Small game hunters (except waterfowl) must wear fluorescent orange during the big game gun hunts.
Camden Unit I	
Deer, Small Game, Turkey	Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.
Waterfowl	Waterfowl hunting shall close at 3:00 p.m. (CST) each day of the regular statewide waterfowl seasons, except the last day of duck seasons and remaining goose seasons when hunting shall close at sunset.
Dog Training	Sept. 1–Mar. 15, except closed during the late duck season.
Special Regulations	All activities are prohibited in the subimpoundments five days before the opening day of the statewide duck season. Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season(s).
Catoosa	
Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons, except walk-in hunting only from Feb. 1-28
Opossum, Raccoon	Sunset Nov. 3 to sunrise Dec. 29.

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Deer/Boar (Archery)	Three 3-day hunts. Oct. 14-16, 17-19, 20-22. No hunter quota. Area checking stations operated. Entire area open. Two deer, no more than one antlered (bonus deer). Boar – no limit, either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Nov. 16-18. Station quota: Genesis 1,000; Bicolor 1,000. One deer, buck only (bonus deer). Boar – no limit, either sex.
Deer/Boar (Gun-Archery)	Two 3-day hunts. Nov. 9-11, Dec. 7-9. Station quota: Genesis 1,250; Bicolor 1,250. One deer, buck only (bonus deer). Boar - no limit, either sex.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 28-29. Station quota: Genesis 400; Bicolor 400. Two deer, no more than one antlered (bonus deer). Boar – no limit, either sex.
Deer/Boar (Gun-Archery)	One 3-day hunt. Dec. 14-16. No hunter quota. Entire area open. One deer, buck only (bonus deer). Boar – no limit, either sex.
Boar (Gun-Archery)(Dogs Permitted)	One 3-day hunt. Jan. 4-6. Station quota: Genesis 200; Bicolor 200. Entire area open. Boar - no limit, either sex.
Bullfrog	Apr. 1–Sept. 1. No hunting during turkey hunts.
Dog Training	Sept. 1 – Jan. 31, daylight hours only.
Special Regulations	<p>Buck deer must have a minimum of 4 points on one antler on all hunts. Points must be at least 1 inch or longer.</p> <p>Catoosa WMA will be closed to all users Feb. 1 – last Friday in Mar., except walk-in hunters will be allowed Feb. 1 – last day of Feb.</p> <p>Guides prohibited on all hunts.</p> <p>ATVs and motorized bikes are permitted only by individuals possessing a hunting and fishing license and WMA permit from the 4th Saturday in Aug. thru the spring squirrel season.</p>
Cheatham	
Dove, Quail, Rabbit, Snipe, Squirrel, Deer, Raccoon, Opossum, Woodcock	Same as statewide seasons except deer hunting closes after Dec. 25. Squirrel hunting with dogs allowed during spring squirrel season. Deer count toward statewide bag.
Turkey	Nov. 11-17. Hunter quota 150. Two either sex.
Dog Training	Sept. 1 – Mar. 15, daylight hours only.
Firing Range	Open 12 noon until one hour after sunset daily. Automatic weapons prohibited.
Archery Range	Open daily. Field points only.

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Cheatham Lake

Deer, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Waterfowl, Woodcock

Same as statewide seasons on Sycamore Creek upstream from railroad trestle, Harpeth River upstream from Highway 49, and on Johnson Creek upstream from Johnson Creek Bridge. Deer count toward statewide bag.

Hunting on remainder of Cheatham Lake WMA same as statewide season except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and the last day of each segment of the late statewide duck season. Waterfowl hunting is permitted only from registered blind sites and from staked temporary blind sites during the late duck season.

Hunting on Harpeth Island, Marks Creek, and Bluff Creek wade-in areas is not restricted to registered or staked temporary sites. Night hunting, trapping, and fishing prohibited in waterfowl impoundments during the waterfowl season. The sub-impoundment units as posted are closed to all types of activity five days before the opening of the first segment of the late duck season.

Squirrel hunting with dogs allowed during spring squirrel season.

Waterfowl (Wheelchair-bound only blind site)

Applications must be received by the TWRA Region II Office by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible.

Beaver

May be taken during any hunt.

Dove

Same as statewide. Hunting allowed from designated fields only.

Dog Training

Sept. 1–Mar. 15, except closed during duck seasons.

Cheatham Lake – Pardue Pond Refuge and Dyson Ditch Refuge

Deer (Archery)

Sept. 23–Oct. 8. No hunter quota. Bag limit same as statewide. Deer count toward statewide bag.

Turkey (fall)

Nov. 11-17. Hunter quota 150. Two either sex.

Dog Training

Sept. 1–Oct. 14 and Feb. 15–Mar. 15.

Special Regulations

Access by boat only.

Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 14, except as otherwise indicated.

WILDLIFE PROCLAMATIONS

Cherokee²

Special Regulations	Horseback riding on properties owned by the U.S. Forest Service shall be the same as U.S. Forest Service regulations. On those properties owned or leased by the TWRA, horseback riding is only allowed upon roads opened for vehicle travel: no riding off roads into openings, fields, trails, or through streams.
North Cherokee	That portion of the Cherokee WMA lying north of the Great Smoky Mountains National Park.
South Cherokee	That portion of the Cherokee WMA lying south of the Great Smoky Mountains National Park.
Ocoee Unit	That portion of the South Cherokee lying south of the Hiwassee River.
Tellico Unit	That portion of the South Cherokee lying north of the Hiwassee River and south of the Little Tennessee River.
North Cherokee Special Regulations	On property that is owned or leased by TWRA, ATV and OHV operation is prohibited at all times at any location inside the boundaries of these properties.
Dove, Grouse, Quail, Rabbit, Snipe, Squirrel	Same as statewide seasons. ³ Small game hunting (shotguns only) allowed during all big game hunts, but small game hunters (except raccoon and opossum hunters between sunset and sunrise) must wear 500 sq. in. of fluorescent orange during big game hunts.
Deer, Turkey	Same as statewide seasons, except closed to special county antlerless hunts
Opossum, Raccoon	Same as statewide season, except the season is closed Nov. 13-14, Nov. 25-26, and Nov. 30–Dec. 13 in all Bear Reserves.
Bear Dog Training Season (Cocke and Greene counties only)	Sept.5-18. No bears may be harvested. No weapons may be possessed. Daylight hours only. No training in bear reserves.
Bear	Same as statewide season. Feral hog hunting closed in bear reserves during bear season.

² Bobcat hunting with dogs prohibited. Dog training prohibited, except for Bear Dog Training Season in Cocke and Greene counties. The use of and/or possession of any tracking device for dogs from March 1 to August 31 is illegal. Hunting of coyotes with dogs prohibited.

³ Only pointing breed dogs are allowed in the bear reserve one day before and during bear hunts

WILDLIFE PROCLAMATIONS

South Cherokee ⁴

Special Regulations

.22 caliber short, long and long rifle are the only legal weapons on a raccoon hunt.

It is illegal to possess firearms with any breed of dog other than pointing breeds during daylight hours, excluding bear and boar season, except as provided.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock

Same as statewide seasons, except, no season shall open before Oct. 14. Small game hunting closed at sunset the day before and during big game hunts. When specified portions of the Cherokee are hunted, this closure applies only to those specific areas and to the Tellico Bear Reserve during bear hunts. Dogs permitted for squirrel hunting west of Hwy. 68 and north of Ocoee River Jan.1–Feb. 28.

Ocoee Unit

Opossum, Raccoon

Same as statewide season, except closed at sunset the day before and during big game hunts. Ocoee Bear Reserve sunset Dec. 18–Jan. 20.

Deer/Boar (Archery)

One 9-day hunt. Sept. 16-24. No hunter quota. One deer, either sex (bonus deer). One boar, either sex.

Deer/Boar (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 7-8, south of Ocoee River only. No hunter quota. One deer, either sex (bonus deer). One boar, either sex.

Deer/Boar (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 21-22. No hunter quota. One deer, either sex (bonus deer). One boar, either sex.

Deer/Boar (Muzzleloader-Archery)

One 3-day hunt. Oct. 27-29. No hunter quota. One deer, buck only (bonus deer). One boar, either sex.

Deer/Boar (Gun-Archery)

One 3-day hunt. Nov. 3-5. No hunter quota. One deer, buck only (bonus deer). One boar, either sex.

Deer/Boar (Gun-Archery)

One 9-day hunt. Nov. 18-26. No hunter quota. Two deer, buck only (bonus deer). One boar, either sex.

Boar (Gun-Archery)(Dogs Permitted)

Two 4-day hunts. Oct. 9-12, 13-16. No hunter quota. One boar, either sex. Between Ocoee River and Hiwassee River.

Bear/Boar (Gun-Archery)(Dogs Permitted)

One 2-day hunt. Nov 13-14. No hunter quota. One bear, either sex; one boar, either sex. Between Ocoee River and Hiwassee River.

Bear/Boar (Gun-Archery)(Dogs Permitted)

One 14-day hunt. Nov. 30–Dec. 13. No hunter quota. One bear per person per year. One boar either sex. Between Ocoee River and Hiwassee River.

⁴ No feral hog hunting on South Cherokee WMA; boar hunting is allowed as indicated

WILDLIFE PROCLAMATIONS

Deer/Boar (Gun-Archery)	One 10-day hunt. Nov. 27–Dec 6. No hunter quota. Two deer, buck only (bonus deer). One boar, either sex. South of Ocoee River only.
Tellico Unit	
Special Regulations	Bear reserves are closed to all big game hunting when the bear season is open on the Tellico Unit.
Opossum, Raccoon	Oct. 30–Nov. 12, Nov. 30–Dec. 13, Dec. 18–Jan. 13. Tellico bear reserve sunset Dec. 18–Jan. 13 only. Raccoon hunters must wear fluorescent orange during bear season.
Deer/Boar (Archery)	One 9-day hunt. Sept. 16-24. No hunter quota. Two deer, either sex (bonus deer). One boar either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 18-26. No hunter quota. Two deer, buck only (bonus deer). One boar either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Sept. 29–Oct. 1. No hunter quota. One deer, buck only (bonus deer). One boar either sex.
Deer/Boar/Bear (Muzzleloader-Archery)	One 3-day hunt. Dec. 15-17. No hunter quota. One deer, buck only (bonus deer). One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.
Deer/Boar/Bear (Young Sportsman)(Gun- Archery)	One 2-day hunt. Oct. 28-29. No hunter quota. One deer, either sex (bonus deer). One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve
Boar (Gun-Archery)(Dogs Permitted)	Two 4-day hunts. Oct. 9-12, 13-16. No hunter quota. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 2-day hunt. Nov. 13-14. No hunter quota. One bear, either sex; one boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Nov. 30–Dec. 13. No hunter quota. One bear per person per season. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Deer/Boar (Gun-Archery)(No Dogs Allowed)	One 3-day hunt. Oct. 20-22. No hunter quota. One deer, either sex (bonus deer). One boar, either sex. Hunting confined to the Tellico Bear Refuge
Boar (Gun-Archery)(Party Dog Hunts)	One 3-day hunt. Oct. 20-22. One boar either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.

WILDLIFE PROCLAMATIONS

Bear/Boar (Gun-Archery)(Party Dog Hunts)

Two 2-day hunts. Oct. 5-6, Nov. 28-29. One bear per person per season. One boar, either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.

Chickamauga

(Soddy Creek, Sale Creek, Mud Creek, New Bethal, Moon Island, Cottonport, Washington Ferry, Goodfield Creek, Gillespie Bend, Agency Creek, Sugar Creek, South Mouse Creek Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock

Same as statewide hunting and trapping seasons. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s). Deer count toward statewide bag.

(Candies Creek, Rogers Creek, Yellow Creek, Johnson Bottoms Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock

Same as statewide hunting and trapping except closed to non-waterfowl species during the late duck season. Waterfowl hunting permitted only on Tuesday, Thursday, Saturday and Sunday and the opening and closing day of the duck season. No trapping during the duck season. No waterfowl hunters or other activities allowed on Units from two hours after the end of the waterfowl hunting hours until 4:00 a.m. the following day during the late duck season. Deer count toward statewide bag.

Dog Training

Sept. 1–Mar. 15, except closed during late duck season.

Chickasaw State Forest

Small Game

Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season.

Deer

Same as statewide. Deer count toward statewide bag. Two antlered deer only during Gun-Muzzleloader-Archery season. No antlerless deer may be taken during the Gun-Muzzleloader-Archery hunt on Chickasaw.

Deer (Gun-Archery)(Young Sportsman)

Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.

Chuck Swan State Forest

Dove, Rabbit, Squirrel, Waterfowl

Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring squirrel season.

WILDLIFE PROCLAMATIONS

Raccoon	Six 1-day hunts. Nov. 7, 9, 11, 13, 15, 17 Hunters must check out by 2:00 a.m. All raccoons must be checked out. One raccoon per party. Party defined as all the occupants of a single vehicle.
Deer, Turkey (Archery)	Two 2-day hunts. Oct. 13-14, 20-21. Hunter quota 800. One deer, either sex (bonus deer). One turkey, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 28-29. Hunter quota 200. One deer, either sex. Deer count towards statewide bag limit.
Deer (Gun-Archery)	Two 2-day hunts. Dec. 1-2, 8-9. Hunter quota 750. One deer, buck only (bonus deer).
Deer (Muzzleloader-Archery)	One 2-day hunt. Nov. 24-25. Hunter quota 750. One deer, buck only (bonus deer).
Turkey (Shotgun-Archery)	Three 2-day hunts. Sept. 29-30, Oct. 6-7, Dec 15-16. Hunter quota 125. One turkey, either sex.
Dog Training	Sept. 1-Mar. 15, daylight hours only. Pointing breed dogs prohibited.
Special Regulations	<p>Guides, deer driving, loud noises, and harassment on all deer hunts, and entering the wildlife management area from Norris Lake during the deer and turkey hunts prohibited.</p> <p>Horses, ATVs , ORVs, bicycles, and non-licensed passenger vehicles and motorcycles are prohibited on the Main Forest Road. The Main Forest Road is defined as the road beginning at the big game checking station and ending at the intersection of the Back Valley, Forks of the River, and Big Loop roads.</p> <p>A licensed vehicle is defined as a vehicle that is tagged, registered, and insured and is legal to operate on county, state, and federal highways.</p> <p>Organized competition events for motorized/non-motorized vehicles prohibited. The maximum noise limit for all motorized vehicles is 86 dBa, as measured 50 feet from the exhaust, except as otherwise permitted.</p> <p>Reckless operation of motorized and non-motorized vehicles prohibited. Reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life and limb of others, or property or developments of the State, or property of any person. The maximum speed limit is 25 mph or less if otherwise posted.</p>

WILDLIFE PROCLAMATIONS

Cordell Hull

Deer, Small Game, Turkey, Waterfowl

Same as statewide seasons except deer hunting ends Dec. 15. Deer count toward statewide bag. Wheelchair-bound hunter zone open to wheelchair-bound hunters only. Deer bag limit is either-sex (bonus deer) in the wheelchair-bound zone on Nov. 18-19.

Wheelchair-bound Hunter Zone

That area in the old "Corps of Engineers Roaring River Campground" area of Cordell Hull WMA (north of Hwy. 135, north of Roaring River, south and east of Hwy. 85, and west of old Roaring River Iron Bridge Road.

Cordell Hull Refuge

Squirrel

Fourth Saturday in Aug. to Nov. 10 and the spring squirrel season. Squirrel hunting with dogs is permitted during the spring squirrel season.

Dove

Sept. 1-10, noon until sunset

Canada Goose

Sept. 1-15.

Wood Duck/Teal

Same as the Sept. Wood Duck/Teal season

Deer (Archery)

Sept. 25-Oct. 29. Bag limit same as Unit A archery season. Deer count toward statewide bag.

Deer (Archery)(Wheelchair-bound Only)

Sept. 23-24. No hunter quota. One deer, either sex (bonus deer).

Deer (Gun-Archery)(Wheelchair-bound Only)

Nov. 4-5. No hunter quota. One deer, either sex (bonus deer).

Dog Training

Sept. 1–Nov. 14, daylight hours only.

Special Regulations

Public use, including all forms of trespass, is prohibited from Nov. 15–Mar. 1, except as otherwise indicated.

Public entry and fishing permitted while on the main river channel passing through the refuge.

Eagle Creek

Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock

Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Deer (Archery)

One 21-day hunt (split into two segments). Sept. 23–Oct. 6, Oct. 9-15. No hunter quota. Two deer, either sex (bonus deer). No area checking station operated.

Turkey (Archery)

Open during all archery-only seasons. No hunter quota. One turkey, either sex.

Deer (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 7-8. No hunter quota. One deer, either sex (bonus deer).

WILDLIFE PROCLAMATIONS

Deer (Gun-Archery) (Wheelchair-bound Only)	One 1-day hunt. Oct. 21. No hunter quota. One deer, either sex (bonus deer). "Wheelchair-bound Hunt Zone" only.
Wheelchair-bound Hunter Zone	Wheelchair-bound hunters only on roads #2 through #10 on Oct. 21.
Deer (Gun-Archery)	Four 4-day hunts. Oct. 26-29, Nov. 9-12, Nov. 23-26, Nov. 30-Dec. 3. No hunter quota. One deer, either sex (bonus deer).
Turkey	One 3-day hunt. Dec. 8-10. Hunter quota 300. Two turkey, either sex.
Eagle Lake Refuge	
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Open Monday, Wednesday, and Saturday within statewide seasons
Deer (Archery)	Open Monday, Wednesday and Saturday within first segment of Unit A archery season Sept. 23-Oct. 27. Deer count toward statewide bag. Small game hunting allowed during deer season.
Special Regulations	Eagle Lake Refuge is closed to all hunting Nov. 1-Mar. 1. Waterfowl hunting prohibited. Non-toxic shot approved by the U.S. Fish and Wildlife Service required for small game hunting. Access to the south end of Meeman-Shelby Forest State Park and Natural Area WMA through Eagle Lake Refuge will be allowed during hunting seasons.
Edgar Evins State Park	
Deer, Opossum, Quail, Rabbit, Raccoon, Turkey	Same as statewide seasons. Deer count toward statewide bag.
Ernest Rice, Sr.	
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons except closed Dec. 16-17. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	Sept. 23-Oct. 27. No hunter quota. Bag limit two deer, either sex. Bucks must be spike or nine antler points or better. Deer count toward statewide bag.
Deer (Archery)	Dec. 23-Jan. 7. No hunter quota. Bag limit two deer-either sex. Bucks must be spike or nine antler points or better (bonus deer).
Deer (Gun-Muzzleloader-Archery)	One 2-day hunt. Dec. 16-17. No hunter quota. Bag limit one deer, antlered only. Bucks must be spike or nine antler points or better. Deer count toward statewide bag.

WILDLIFE PROCLAMATIONS

Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt Oct. 28-29. No hunter quota. Deer count toward statewide bag.
Fall Creek Falls State Park	
Squirrel	Dec. 1-last day in February. Shotguns only.
Deer (Archery)	One 3-day hunt. Nov. 11-13. Hunter quota 300. Two deer, no more than one antlered (bonus deer).
Deer (Archery)	One 6-day hunt. Nov. 14-19. No hunter quota. Two deer, no more than one antlered (bonus deer).
Special Regulations	Vehicle parking restricted to designated parking areas only during the hunting season. No parking allowed at all on roadside grass. All deer hunters must sign register at horse stables before hunting.
Flintville Hatchery	
Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide deer season. Archery equipment only. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 28-29. No hunter quota. One deer, either sex. Deer count toward statewide bag.
Dog Training	Sept. 1-Mar. 15, daylight hours only.
Foothills	
Dove, Grouse, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon	Dec. 16–Feb 15.
Deer/Boar (No dogs permitted)	Same as statewide deer seasons, except closed during Oct. 21-22 Young Sportsman hunt. Deer count toward statewide bag.
Bear/Boar (Gun-Archery)(No dogs permitted)	One 2-day hunt. Nov. 25-26. No hunter quota. Bag limit same as statewide.
Bear/Boar (Gun-Archery)(Dogs permitted)	Sept. 25–Oct. 1, Nov. 13-16, Nov. 30–Dec. 8. No hunter quota. Bag limit same as statewide.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 21-22. No hunter quota. One deer, either sex. Deer count toward statewide bag. One boar, either sex.

WILDLIFE PROCLAMATIONS

Special Regulations

Motorized vehicles and horseback riding prohibited.

All small game hunters must wear 500 sq. in. of blaze orange during big game seasons.

Small game hunters must use shotguns only during big game seasons.

The use of and/or possession of any tracking device for dogs from Mar. 1 to Aug. 31 is illegal.

Forks of the River

Dove

Sept. 1, 2, 4, and every day thereafter during the statewide dove season. Hunting from noon to sunset only on Sept. 1, 2, 4.

Deer, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock, Opossum, Raccoon

Same as statewide seasons. Deer count toward statewide bag.

Crow

Sept. 3–Feb. 28

Special Regulations

Shotguns and Archery equipment only.

Area closed one hour after sunset to one hour before sunrise except for raccoon and opossum hunters and scheduled events.

Bicycles are restricted to greenway trail from Sept. 1–Feb. 29.

Paintball guns and accessories prohibited.

All animals accompanied by a non-hunting person are required to be leashed.

Fort Loudoun

Waterfowl

Same as statewide seasons, except open only on Monday, Wednesday, and Friday, one half hour before sunrise until noon. Size BBB or smaller required.

Fourth Fractional Township

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Woodcock

Same as statewide seasons. Small game hunting with shotguns only with No. 6 shot or smaller. Beagles and pointing breeds only.

Deer

Same as statewide seasons, archery tackle only. Deer count toward statewide bag.

Bear (Archery)

Nov. 30–Dec. 13. No hunter quota. One bear, either sex.

Dog Training

Year-round, beagles and pointing breeds only.

Special Regulations

ATVs and motorcycles prohibited.

Gallatin Steam Plant (*Free Gallatin Steam Plant Permit required)

Deer/Turkey (Archery Only)

Same as statewide season, closed Nov. 15, Deer count toward statewide bag. One turkey, either sex.

Special Regulations

Parking in designated areas. No camping.

WILDLIFE PROCLAMATIONS

C.M. Gooch

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock

Same as statewide seasons, except Units A and E are closed during the waterfowl seasons and are closed to all activities five days before the first opening of the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Waterfowl

Same as statewide season except Gooch waterfowl hunting closes at 3:00 p.m. on Units A and E. Waterfowl hunting on the last day of each segment of the duck and remaining goose seasons closes at sunset. Fishing and trapping is prohibited in Units A and E during the waterfowl season. On Gooch Unit E, no waterfowl hunters allowed on the unit or access area from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s). No permanent blinds. All decoys, temporary blinds, blind materials, and boats must be removed from Unit E daily.

Deer

Same as statewide season, except closed six (6) days before and during statewide waterfowl seasons on Gooch Unit A and Gooch Unit E. and closed to statewide archery hunt during the Young Sportsman deer hunt on Oct. 7-8. Deer count toward statewide bag.

Deer (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 7-8. No hunter quota. One deer, either sex (bonus deer).

Haley-Jaqueth

Dog Training

Sept. 1-Mar 15, daylight hours only.

Haynes Bottom

Dove

Same as statewide season, on designated fields only.

Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock

Same as statewide seasons except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and last day of each segment of the late statewide duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Crow

July – Aug.

Deer

Same as statewide seasons, except all deer hunting closed after Dec. 15. Deer count toward statewide bag.

Waterfowl

Waterfowl hunting permitted only from registered blind sites beginning with the first day of the late duck season.

WILDLIFE PROCLAMATIONS

Special Regulations

Night hunting, trapping, dog training, and fishing prohibited in the waterfowl impoundments during waterfowl season.

Participating waterfowl hunters only in the bottoms during waterfowl seasons.

Henderson Island Refuge

Dove

Sept. 1, 2, 4, 6, 13. Hunting from noon to sunset only.

Squirrel

Sept. 1-8, Oct. 9-29, Feb. 2-28.

Quail, Rabbit

Feb. 2-28.

Deer (Archery- Muzzleloader-Shotgun)(Young Sportsman)

Three 1-day hunts. Sept. 9, 16, Nov. 4. Hunter quota 20. One deer, either sex (bonus deer).

Deer/Turkey (Archery)

Sept. 23–Oct. 8. Bag limit same as statewide. Deer count toward statewide bag.

Canada Goose

Sept. 3-8.

Raccoon

Nov. 3-11.

Dog Training

Feb. 2-28.

Special Regulations

Public use, including all forms of trespass, is prohibited from Nov. 16 through Feb. 1, except as otherwise indicated.

Public entry and fishing permitted while on the main river channel passing through the refuge.

Horses prohibited.

Hickory Flats

Dove, Quail, Rabbit, Snipe, Squirrel Woodcock, Opossum, Raccoon, Deer

Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season. All deer hunting closes after Dec. 15.

Crow

July – Aug.

Hiwassee Refuge

Dove

Sept. 1, 4. Noon to sunset only on Sept. 1. No access permitted by boat.

Squirrel

To include all of the Hiwassee Refuge except Hiwassee Island. Fourth Saturday in August–Second Saturday in Sept. Spring squirrel season same as statewide. Squirrel hunting with dogs allowed during the spring squirrel season.

Canada Goose

Sept. 1-15. No goose hunters allowed on refuge from two hours after shooting hours have ended until 4:00 a.m. the following day.

Wood Duck/Teal

Same as Sept. Wood Duck/Teal season. No duck hunters allowed on the refuge from two hours after shooting hours have ended until 4:00 a.m. the following day.

WILDLIFE PROCLAMATIONS

Deer (Archery)	One 3-day hunt. Sept. 23-25. Hunter quota 250. Two deer, either sex (bonus deer).
Deer (Archery)	One 3-day hunt. Oct. 13-15. No hunter quota. Two deer, either sex (bonus deer).
Deer (Muzzleloader)	One 3-day hunt. Oct. 27-29. Hunter quota 200. Two deer, either sex (bonus deer).
Deer (Shotgun-Muzzleloader)(Young Sportsman)	One 2-day hunt. Sept. 16-17. Hunter quota 100. Two deer, either sex (bonus deer).
Dog Training	Sept. 1–Oct. 14 and Mar. 1-15, daylight hours only.
Retriever Dog Field Trials	Pre-approved by Area Manager at least 30 days in advance of trial dates.
Special Regulations	Refuge is closed to all forms of public use, including all forms of trespass, from Nov. 1 through last day of Feb. Public entry and fishing is permitted while on the main river channel passing through the refuge. Viewing area open year-round. Non-toxic shot required for small game hunting.

Holly Fork (*Special Populations Only)

Dove	Two 1-day hunts Sept. 9 and Sept. 16. Hunting from noon to sunset only. Wheelchair-bound hunting only, with one hunting assistant, from staked positions, first come first served.
Deer (Muzzleloader)	Nov. 4-10. Four hunting stations are open for wheelchair-bound hunters and special youth populations by reservation. Reservations for a hunting station will be taken on a first-come first-served basis by calling the TWRA Region I Office on or after the first Monday in October or before the day of hunting. Wheelchair-bound hunters must be accompanied by a non-hunting assistant. Youth special populations ages 16 and under must be accompanied by a non-hunting adult 21 years old or older. Bag limit is one deer either-sex per hunter (bonus deer).
*Special Populations:	Special populations are determined by the TWRA and Tennessee Valley Authority, i.e. terminally ill youth, juvenile court trustee youth program.

Hop-In Refuge

Deer, Small Game, Turkey	Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
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WILDLIFE PROCLAMATIONS

Deer (Gun-Archery)(Young Sportsman)	Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.
Special Regulations	Closed to dove and waterfowl hunting. Closed to all hunting and dog training Nov. 1–Mar. 1.
Jackson Swamp	
Crow, Deer, Dove, Opossum, Rabbit, Raccoon, Squirrel, Turkey, Waterfowl, Woodcock	Same as statewide seasons. Deer count toward statewide bag.
John Tully and Cold Creek	
Dove, Opossum, Raccoon, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons.
Waterfowl	Same as statewide seasons, except shooting ends at 3:00 p.m. Temporary blinds only and decoys must be removed at the completion of each day's hunt.
Deer	Same as statewide season except antlered deer must be spikes or must have 9 points or more. Antlered points must be one inch or longer. Deer count toward statewide bag.
Special Regulations	All deer taken on John Tully WMA must be checked out at Cold Creek Grocery, Woodard's Grocery, or Hargett's Grocery Dept. and count toward the Unit A bag limit.
Kingston Refuge	
Dove	Sept. 1 and Labor Day. Noon to sunset only. No dove hunters allowed on refuge prior to 60 minutes before legal shooting time.
Deer (Archery)	One 2-day hunt. Sept. 23-24. Hunter quota 100. One deer, either sex (bonus deer).
Canada Goose	Sept. 1-15.
Wood Duck/Teal	Same as Sept. Wood Duck/Teal seasons.
Deer (Shotgun-Muzzleloader)(Young Sportsman)	Two 2-day hunts. Sept. 30–Oct. 1, Oct. 7-8. Hunter quota 50. One deer, either sex (bonus deer).
Dog Training	Sept. 1–Oct. 14 and Feb. 2–Mar. 15, daylight hours only.
Special Regulations	Non-toxic shot required for small game hunting. Access by boat only. Public use, including all forms of trespass, is prohibited from Oct. 15-Feb. 1.

WILDLIFE PROCLAMATIONS

Kyker Bottoms Refuge

Dove	Sept. 2-3, 9-10, and Oct. 7-22. Shooting from staked positions on first come first served. Opens at noon each day.
Deer	Same as statewide seasons, except closes Oct. 29. Deer count toward statewide bag.
Quail, Rabbit	Feb. 17-18, 24-25. Bag limit 3 each, per day.
Grouse, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons, except closed Nov. 1–Feb. 14. Squirrel hunting with dogs is permitted during the spring squirrel season.
Raccoon	Feb. 17-18 and 24-25. Sunset to 12:00 a.m. Bag limit 3 per person.
Special Regulations	Shotguns, Muzzleloaders, and Archery only. Non-toxic shot required for small game hunting. Closed to all use Nov. 1–Feb. 14, except in designated observation areas. All small game hunting is Young Sportsman/Adult only. Each youth must be accompanied by a licensed adult who also may hunt. Motorized vehicles and horseback riding prohibited.

Land Between the Lakes

Squirrel	The 3 rd Saturday in Aug. through the 4 th Friday in Sept., Oct. 1-16, and Dec. 1 through the last day of Feb. Squirrel hunting with dogs is permitted during the spring squirrel season.
Dove, Snipe, Woodcock	According to state and federal regulations, open on small game hunt dates that coincide with state seasons.
Fox, Quail, Rabbit	Dec. 1 through the last day of Feb.
Coyote	May be taken during daylight hours only by legally licensed hunters during any open season with weapons specified for that season.
Opossum, Raccoon	Dec. 1–Feb. 15. Sunset to sunrise. One raccoon per person per night. Some hunt areas may be closed to hunting as posted at designated hunter check stations.
Crow	Open during any LBL small game season that coincides with the statewide crow season.
Fox Chasing	From sunset to sunrise, third Saturday in Aug. through the third Saturday in Sept. LBL Hunter Use Permit required.
Geese	Same as the statewide goose season, except closed on deer gun hunt dates.

WILDLIFE PROCLAMATIONS

Ducks	Early duck season same as statewide season.
Waterfowl Hunting	Waterfowl hunting will be allowed during the statewide season throughout the Tennessee portion of LBL except on designated, signed, refuge areas and public use areas, and on deer gun hunt dates. Permanent blinds will not be permitted.
Dog Training	Quail, rabbit and raccoon chasing only. Oct. 1–Oct. 31. LBL Hunter Use Permit required. Training allowed only in designated areas.
Bullfrog	May 15–Aug. 31. Gigs only. Bag limit 15.
Small Game (Archery Only)	Squirrel, groundhog, and fox may be taken during deer archery season only by legally licensed and equipped deer archery hunters. Statewide limits apply. Arrows must be equipped with broad-heads according to deer regulations.
Deer/Turkey (Archery)	The 4 th Saturday in Sept. – 3 rd Monday in Jan., except closed during Quota hunts and one day immediately before each Quota hunt. One turkey, either sex (bonus turkey). Two white-tailed deer, no more than one antlered (bonus deer).
Deer (Gun)(Young Sportsman)	One 2-day hunt. Oct. 21-22. Hunter quota 800. One white-tailed deer, either sex (bonus deer). Each youth must be accompanied by an adult.
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 10-11. Hunter quota 1,000. One white-tailed deer, including 700 buck-only and 300 either-sex permits (bonus deer).
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 25-26. Hunter quota 1,000. One white-tailed deer, including 500 buck-only and 500 either-sex permits (bonus deer).
Baiting	The placement of any bait to attract wildlife, including food or mineral substances is prohibited on LBL.
Areas open to hunting	All areas lying in Tennessee portion are open to hunting except: <ol style="list-style-type: none">1. Designated, signed, refuge areas and public use areas.2. The back half of Rushing Bay is closed to all activity Nov. 1–Mar. 15
Field Trials:	
Raccoon Field Trials, Bird Dogs, Beagles and Retriever Field Trials	July 1–Mar. 31. Forest Service Special Use permit required.

WILDLIFE PROCLAMATIONS

Laurel Hill

Dove	Same as statewide dove season. All fields open.
Quail	Nov. 11–Jan. 21.
Rabbit, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Beaver	May be taken on any hunt day.
Opossum, Raccoon	Nov. 17–Feb. 3. One raccoon per party, per night.
Fox Chasing	No fox chasing allowed.
Deer/Turkey (Archery)	One 16-day hunt. Sept. 23–Oct. 8. No hunter quota. Three deer, either sex (bonus deer). Three turkey, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 14-15. No hunter quota. One deer, either sex (bonus deer).
Deer (Muzzleloader-Archery)	One 4-day hunt. Oct. 26-29. Hunter quota 500. One deer either sex (bonus deer).
Deer (Gun-Archery)	Three 3-day hunts. Nov. 10-12, 24-26, Dec. 1-3. Hunter quota 500. One deer, either sex (bonus deer).
Turkey	One 3-day hunt. Dec. 8-10. Hunter quota 300. Two turkey, either sex.
Dog Training	Sept. 1–Mar. 15, daylight hours only.
Special Regulations	Special buck regulations apply on all deer hunts. Bucks must be spikes or have at least nine antler points. Antler points must be one inch or longer.
Shields Farm Unit	Same as statewide seasons. Centerfire rifles and handguns prohibited.

Lick Creek Bottoms

Deer, Opossum, Quail, Rabbit, Raccoon, Squirrel, Turkey, Waterfowl, Woodcock	Same as statewide seasons. Deer count toward statewide bag.
Dove	Sept. 1, 2, 4 and the remainder of the statewide dove season. Hunting from noon to sunset only on Sept. 1, 2, 4.
Joachim Bible Waterfowl Refuge Unit (that portion of Lick Creek WMA between Murray Bridge Road and Bibles Chapel Road.	
Dove	Sept. 1, 2, 4-22, Oct. 7-22. Hunting from noon to sunset only on Sept. 1, 2, 4.
Squirrel	Sept. 11–Oct. 29, Feb. 15-28.
Quail, Rabbit	Feb. 17-18, 24-25. Quail and rabbit hunting is Young Sportsman/Adult only. Each youth must be accompanied by a licensed adult who may also hunt.

WILDLIFE PROCLAMATIONS

Maness Swamp Refuge

Coyote, Opossum, Quail, Rabbit, Raccoon, Squirrel, Woodcock, Waterfowl	Same as statewide seasons, except all seasons closed Nov. 1–Feb. 14. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide seasons, except closed to statewide archery during Young Sportsman deer hunt on Oct. 7-8 and during Nov. 1–Feb. 14. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 7-8. No hunter quota. One deer, either sex (bonus deer).
Dog Training	Sept. 1–Oct. 31 and Feb. 15-28.
Special Regulations	Public use, including all forms of trespass, is prohibited from Nov. 1–Feb. 14, except as otherwise indicated.

Meeman–Shelby Forest State Park and Natural Area

Beaver	Open during any hunt date.
Special Squirrel Hunt (Young Sportsman)	Aug. 19.
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Open Monday, Wednesday, and Saturday within statewide seasons. Small game hunting allowed during deer seasons. Small game hunters must wear legal hunter orange during deer gun hunts. Raccoon and opossum open Monday, Wednesday and Saturday sunset to sunrise.
Deer	Open Monday, Wednesday and Saturday during statewide seasons. Successful hunters must check out at nearest county checking station. Deer count towards statewide bag limit. Closed to special season antlerless hunts.
Waterfowl	Open Monday, Wednesday and Saturday within the statewide duck season and the last seven days of the statewide duck season, except Sunday. Waterfowl hunting allowed during all deer hunts. No permanent blinds. No decoys left overnight.
Dog Training	Open Monday, Wednesday, and Saturday, Sept. 1–Mar. 15.
Field Trials	Sept. 1–Apr. 30.
Special Regulations	Shotgun, muzzleloader, and archery equipment only.

Moss Island

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide season except closed Dec. 16-17. Squirrel hunting with dogs allowed during spring squirrel season.
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WILDLIFE PROCLAMATIONS

Deer (Archery)	Sept. 23–Oct. 27. No hunter quota. Bag limit two deer, either sex. Bucks must be spike or nine antler points or better. Deer count toward statewide bag.
Deer (Archery)	Dec. 23–Jan. 7. No hunter quota. Bag limit two deer-either sex (bonus deer). Bucks must be spike or nine antler points or better.
Deer (Gun-Muzzleloader-Archery)	One 2-day hunt. Dec. 16-17. No hunter quota. Bag limit one deer, antlered only. Bucks must be spike or nine antler points or better. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt Oct. 28-29. No hunter quota. Deer count toward statewide bag.
Natchez Trace State Forest	
Bobcat, Crow, Deer, Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Nolichucky	
Dove	Sept. 1, 2, 4, 9. Hunting from noon to sunset only.
Deer, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons, except closed one week before and during the late duck season. Squirrel hunting with dogs allowed during spring squirrel season. Deer count toward statewide bag.
Waterfowl	Same as statewide season except closed one week before and during late duck season.
Special Regulations	Area closed to all hunting and access from Byrds Bridge Access Area ramp to the Nolichucky Dam one week before and during the late statewide duck season.
North Chickamauga Creek (Hixson, Rogers, Sutton, Thrasher Bottoms, Vandergriff, Varner units)	
Dove (Sutton, Thrasher Bottoms, Vandergriff)	Each Tuesday, Thursday, and Saturday during the statewide season from noon till sunset only
Dove (Hixson)(Young Sportsman and Wheelchair-bound hunters only)	Each Tuesday, Thursday, and Saturday during the statewide season from noon till sunset only. Adult accompanying youth may also hunt. One assistant to wheelchair-bound hunter may hunt. Wheelchair-bound hunters may drive their vehicles directly to the field.

WILDLIFE PROCLAMATIONS

Dove (Varner and Rogers)	Sept. 2 and each Tuesday, Thursday, and Saturday during the statewide season. Hunting from staked positions only on Sept. 2. Staked positions will be assigned by a hand-held drawing on Aug. 26 at the Varner parking area. Signup for drawing will be from 8:30-11:30 a.m. Successful applicants must be at their assigned staked positions by noon on Sept. 2. Hunters must check-out at the conclusion of their hunt on Sept. 2. Only one hunter assigned per stake except adult hunters may be accompanied by a youth hunter. Bag limit 10.
Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Rabbit	Same as statewide seasons. Bag limit is 3 per person per day.
Opossum, Raccoon	Same as statewide season. Bag limit – 1 raccoon per person per night. Hunting from sunset to sunrise only.
Deer	Same as statewide seasons. Archery tackle only. Archers must comply with the big game hunter orange requirements during the statewide deer gun or muzzleloader hunts. Deer count toward statewide bag.
Waterfowl	Open each Tuesday, Thursday, Saturday, and the first and last day of the statewide season, including the Youth Waterfowl season. Hunting ends at noon each day. Hunting from temporary blinds only. Decoys to be removed each day.
Dog Training (all breeds)	Sept.1–Jan. 31.
Special Regulations	No motorized vehicles outside parking areas. Area closed after sunset except to opossum and raccoon hunters. Hunting allowed on Tuesday, Thursday and Saturday only. All hunting ends on Jan. 31. Shotguns loaded with #4 shot or smaller only (except waterfowl).

North Chickamauga Creek Gorge State Natural Area Unit

Grouse, Snipe, Squirrel, Woodcock	Same as statewide seasons.
Crow	Season closed.
Rabbit	Same as statewide seasons. Bag limit is 3 per person per day.

WILDLIFE PROCLAMATIONS

Deer	Same as statewide seasons. Archery tackle only. Archers must comply with the big game hunter orange requirements during the statewide deer gun or muzzleloader hunts. Deer count toward statewide bag.
Special Regulations	No motorized vehicles outside parking areas. Area closed after sunset. No dogs are allowed. Hunting allowed on Tuesday, Thursday and Saturday only. All hunting ends on Jan. 31. Shotguns loaded with #4 shot or smaller only.
Oak Ridge	
Deer (Shotgun-Muzzleloader)(Gun zones only)	Three 2-day hunts. Nov. 11-12, Dec. 2-3, Dec. 16-17. Hunter quota 500. Two deer, no more than one antlered (bonus deer).
Deer (Archery)(Park City Road, Chestnut Ridge Zone)	Three 2-day hunts. Nov. 11-12, Dec. 2-3, Dec. 16-17. Hunter quota 225. Three deer, no more than one antlered (bonus deer).
Deer (Archery)(Poplar Creek Road Zone)	Three 2-day hunts. Nov. 11-12, Dec. 2-3, Dec. 16-17. Hunter quota 150. Three deer, no more than one antlered (bonus deer).
Deer (Archery)(Tower Shielding)	Three 2-day hunts. Nov. 11-12, Dec. 2-3, Dec. 16-17. Hunter quota 225. Three deer, no more than one antlered (bonus deer)
Canada Goose	Sept. 2, 9. One half hour before sunrise to noon. Hunting on Solway and Freels Bend only from the shoreline to Solway Bend Farm Road and from shoreline to Freels Bend. Access by boat from Melton Hill Reservoir or by vehicle via Pumphouse Road at Bethel Valley Road. Hunting from temporary blinds only. All geese must be checked out at the Oak Ridge WMA check station by 1:00 p.m.
Wood Duck/Teal	Sept. 9. One half hour before sunrise to noon. Hunting on Solway and Freels Bend only from the shoreline to Solway Bend Farm Road and from shoreline to Freels Bend. Access by boat from Melton Hill Reservoir or by vehicle via Pumphouse Road at Bethel Valley Road. Hunting from temporary blinds only. All ducks must be checked out at the Oak Ridge WMA check station by 1:00 p.m.

WILDLIFE PROCLAMATIONS

Special Regulations:

Antlered deer must have a minimum of 4 points on one antler or a 15-inch minimum outside spread on all hunts.

Scouting dates: 6:00 a.m. to 4:00 p.m. Nov. 4 for the Nov. 11-12 permit holders only; Nov. 25 for the Dec. 2-3 permit holders only; Dec. 9 for the Dec. 16-17 permit holders only.

No access by boat, except for the Haw Ridge Park Unit.

All hunters must wear fluorescent orange during all hunts, including archery hunters in the Archery-Only zones.

Hunters must carry, at all times, hunting license and permit, valid picture identification (youth excluded), and signed current hunt map.

Obion River

All Units (special regulations apply to Maness Swamp Hunting Unit)

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock, Waterfowl, Deer

Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring season.

Deer (Young Sportsman)

Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery and small game hunting closed during this hunt.

Maness Swamp Hunting Unit (North of State Hwy 445 bordered by the South Fork and Middle Fork of the Obion Rivers as marked)

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock, Deer

Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring season.

Waterfowl

Same as statewide except hunting of waterfowl during the late duck season permitted only on Friday, Saturday, Sunday, and the first and last day of each segment of the late duck season. All hunting shall cease at 3:00 p.m. (CST) each day, except the last day of the season when hunting closes at sunset.

Special Regulations

Closed to all activities five days before the first opening of the late duck season. All hunting other than waterfowl is prohibited during the late duck season.

Old Hickory

Beaver

May be taken on any hunt.

Unit I (Hwy. 109 upstream to River Mile 267)

Dove

Hunting during the first statewide segment only. Use of non-toxic shot required.

WILDLIFE PROCLAMATIONS

Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons except closed after 3:00 p.m. (CST) during the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide. Deer count toward statewide bag.
Waterfowl	Hunting is permitted only from registered blind sites and staked temporary blind sites during the late duck season. Same as statewide season except waterfowl hunting shall cease at 3:00 p.m. (CST) during the late duck season except hours same as statewide on the last day of each segment of the late duck season.
Waterfowl (Wheelchair-bound only blind site)	Applications must be received by the TWRA Region II Office by noon on the 4 th Friday in Oct. Persons holding a permit for another blind are not eligible.
Dog Training	Sept. 1–Mar. 15, except closed during duck seasons.
Special Regulations	<p>The sub-impoundment units as posted are closed to all types of activity five days prior to the opening of the first segment of the late duck season.</p> <p>Raccoon and opossum hunting, trapping, and fishing are prohibited in sub-impoundments during the waterfowl season.</p>
Unit II – (Hwy. 109 downstream to Old Hickory Dam)	
Dove, Deer, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season. Deer count toward statewide bag.
Waterfowl	Same as statewide seasons. Hunting from registered blind sites only except during the early duck season. All goose hunting is from registered blinds only.
Unit III – (River Mile 267 upstream to River Mile 281)	
Deer, Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season. Deer count toward statewide bag.
Waterfowl	Same as statewide seasons. Hunting from temporary blinds only. Decoys must be picked up each day.

WILDLIFE PROCLAMATIONS

Old Hickory Lock 5 Refuge

Special Regulations

Public use, including all forms of trespass, is prohibited from Nov. 1 through Feb. 15, except as otherwise indicated.

Public entry and fishing permitted while on the main river channel passing through the refuge.

Old Hickory Lock 5 Refuge (North of the Cumberland River)

Squirrel

Same as statewide spring squirrel season only. Squirrel hunting with dogs is permitted during the spring squirrel season.

Deer, Turkey (Archery)

Sept. 23–Oct. 27. Bag limit same as statewide. Deer count toward statewide bag.

Dog Training

Sept. 1–Oct. 14 and Feb. 1–Mar. 15.

Paint Rock Refuge

Canada Goose

Sept. 1–15.

Wood Duck/Teal

Same as Sept. Wood Duck/Teal season.

Dog Training

Sept. 1–Oct. 14 and Feb. 2–Mar. 15.

Special Regulations

Closed to all forms of public use, including all forms of trespass, from Oct. 15 through Feb. 1, except as otherwise indicated.

Public entry and fishing permitted while on the main river channel through the refuge.

Pea Ridge

Crow, Deer, Dove, Opossum, Quail, Rabbit, Raccoon, Squirrel, Turkey, Waterfowl, Woodcock

Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season. Deer count toward statewide bag.

Percy Priest

Beaver

May be taken only during small game hunts.

Unit I

Dove

Sept. 1, and each Saturday and Sunday thereafter, and Labor Day during the statewide season. Shooting from staked positions only. On Sept. 1, staked positions will be assigned by a drawing held on site at 10:00 a.m. and hunters must check out at the conclusion of their hunt. Successful applicants must be at their staked position at the start of shooting hours.

Squirrel

Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.

WILDLIFE PROCLAMATIONS

Quail, Rabbit (Young Sportsman)	Oct. 1–Dec. 26. Shotguns only. Each young sportsman must be accompanied by an adult who may not hunt or carry weapons. Each adult must possess a valid hunting license and an area permit.
Deer, Turkey (Archery Only)	Same as statewide seasons. Deer count toward statewide bag.
Dog Training	Sept. 1–Apr. 30. Small game permit required. Training from horseback prohibited before Oct. 1. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game permit. Blank ammunition only.
Retriever Dog Training and Trials	Year-round in designated areas only. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the TWRA Region II Office at least 30 days in advance of trial dates. Participants of sanctioned field trials may train 72 hours before to and after scheduled dates without a small game hunt permit.
Bird and Rabbit Dog and Fox Hound Trials	Sept. 1–April 30. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Field trial gallery must be kept out of standing or planted crops by marshals provided by sponsoring club. Fox hound trials subject to special regulations
Special Regulations	<p>Unit I closed to all activity from sunset to one-half hour before sunrise.</p> <p>All activities except dove hunts on designated fields and scheduled field trials prohibited on Friday, Saturday, and Sunday from Sept. 16–Apr. 22.</p> <p>Horses permitted on all areas except freshly planted and standing crops, and special areas as posted.</p>
Unit II	
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Deer (Shotgun-Archery-Muzzleloader)	Same as statewide seasons. Shotguns with rifled slugs only.
Waterfowl	Same as statewide seasons. Temporary blinds only. Blinds and decoys must be removed each day. No waterfowl hunting in the Poole Knobs Rest Area.
Dog Training	Sept. 1–Apr. 30. No hunting or training from horseback.
Archery Practice	Open year-round designated range site (Poole Knobs) only. Target arrows only.

WILDLIFE PROCLAMATIONS

Prentice Cooper State Forest

Dove, Grouse, Rabbit, Snipe Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Opossum, Raccoon	Third Friday in Oct.–Jan. 30, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 30. Bag limit is one per person per night.
Deer (Archery)	One 3-day hunt. Sept. 16-18. Hunter quota 500. One deer, either sex (bonus deer).
Deer (Archery)	Two 3-day hunts. Sept. 19-21, 22-24. No hunter quota. One deer, either sex (bonus deer). No area checking station opened.
Deer (Muzzleloader)	One 3-day hunt. Oct. 19-21. Hunter quota 250. Two deer, no more than one antlered (bonus deer).
Deer (Gun-Archery)	One 2-day hunt. Nov. 10-11. No hunter quota. One deer, buck only (bonus deer).
Deer (Gun-Archery)	One 6-day hunt. Nov. 25-30. No hunter quota. Two deer, buck only (bonus deer).
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 28-29. No hunter quota. One deer, either sex (bonus deer).
Special Regulations	<p>Off road vehicles, horseback riding, bicycles, and all other vehicles are restricted to those roads, trails or routes designated for their use.</p> <p>Organized competition events for motorized vehicles prohibited. The maximum noise limit for all motorized vehicles is 86 dBa, as measured 50 feet from the exhaust, except as otherwise permitted.</p> <p>Reckless operation of motorized and non-motorized vehicles prohibited. Reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life and limb of others, or property or developments of the State, or property of any person. The maximum speed limit is 25 mph or less if otherwise posted.</p> <p>All side roads and trails will be closed to motorized vehicles Dec. 20-March 15.</p>

Presidents Island

Deer (Archery)(Excluding Ensley Unit)	Two 3-day hunts. Oct. 13-15, 20-22. Hunter quota 100 each hunt. Bag limit two deer (bonus deer), which may be antlerless or spike bucks. Scouting dates - Oct. 12 for the Oct. 13-15 permit holders only; Oct. 19 for the Oct. 20-22 permit holders only.
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WILDLIFE PROCLAMATIONS

Deer (Archery)(Excluding Ensley Unit)	One 3-day hunt. Dec. 1-3. Hunter quota 50. One deer, either sex (bonus deer). Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Nov. 30 for the Dec. 1-3 permit holders only.
Special Regulations (Excluding Ensley Unit)	Hunters must check in at hunter check station before hunting and check out at completion of each day's hunt. Permit will be held while hunters hunt. Access permitted from Farm Road only. No access permitted from Mississippi River, McKellar Lake, or from the Causeway. Access allowed only to TWRA authorized personnel and permit holders.
Deer (Archery)(Ensley Unit)	One 3-day hunt. Dec. 1-3. Hunter quota 30. One deer, buck only (bonus deer). Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Nov. 30 for the Dec. 1-3 permit holders only.
Special Regulations (Ensley Unit)	Access permitted from Shelby Drive only. Access allowed only to TWRA authorized personnel and permit holders.
Rankin	
Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Waterfowl, Woodcock	Same as statewide seasons.
Special Regulations	No blinds or decoys left overnight. Shotguns only for small game hunting. Waterfowl hunting allowed during deer season. Small game hunters (except waterfowl) must wear fluorescent hunter orange during big game hunts. Deer count toward statewide bag.
Reelfoot	
Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Opossum, Raccoon	Sept. 11–Dec. 30. No limit.
Deer (Archery)	Three hunts. Sept. 23–Oct. 27, Oct. 30–Nov. 14, Nov. 22–Dec. 31. No hunter quota. Three deer, either sex per segment (bonus deer). Small game hunting open during archery hunts.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 28-29. No hunter quota. Deer count toward statewide bag.
Deer (Gun-Archery)	One 4-day hunt. Nov. 18-21. No hunter quota. One deer, buck only (bonus deer).

WILDLIFE PROCLAMATIONS

Waterfowl	Same as waterfowl zone seasons. Waterfowl hunting closed at 3:00 p.m. (CST) except for last day of each segment of the late duck and the remaining Reelfoot goose seasons when hunting ceases at sunset.
Waterfowl (Wheelchair-bound only blind sites)	Application must be received by the TWRA Region I Office by noon on the 4th Friday in Oct. Persons holding a permit for another blind are not eligible to compete in the wheelchair-bound blind drawing. If blind is not occupied by shooting time, another wheelchair-bound hunter and 1 to 3 assistants (at least one assistant must be age 16 or older) may occupy the blind for that day. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone at designated blinds.
Royal Blue	
Grouse, Opossum, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide
Deer	Same as statewide Unit B seasons. Deer count toward statewide bag.
Dog Training	Sept. 1–Mar. 1.
Ginseng	Same as statewide.

WILDLIFE PROCLAMATIONS

Special Regulations

All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.

No person shall remove minerals, including coal, trees, plants (including vines), or building stone from the area without specific authorization.

Camping is allowed on the entire area.

ORV, horseback riding, bicycles, and all other vehicles are restricted to roads marked "open to vehicular traffic."

Night-time use by the general public and raccoon hunters is permitted area-wide.

Organized competition events for motorized/non-motorized vehicles prohibited.

Maximum noise limit of 86 dBA for all motorized vehicles, as measured 50 feet from the exhaust.

Reckless operation of motorized and non-motorized vehicles prohibited. Reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property on developments. Speed limit is 25 mph.

South Fork Refuge

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock, Deer

Same as statewide seasons, except closed to all activities five days before the first opening of the late duck season. All hunting other than waterfowl is prohibited during the late duck season. Deer count toward statewide bag.

Waterfowl

Same as statewide, except hunting of waterfowl during the late duck season permitted on Saturday and Sunday and the first and last day of each segment of the late duck season. All hunting ceases at 3:00 p.m. (CST) each day, except the last day of the season when hunting closes at sunset. Walk-in only. Temporary blinds only and decoys must be removed at the completion of each day's hunt.

Sundquist

Grouse, Opossum, Rabbit, Raccoon, Quail, Snipe, Squirrel, Waterfowl, Woodcock

Same as statewide

Deer

Same as statewide Unit B season. Deer count toward statewide bag.

WILDLIFE PROCLAMATIONS

Dog Training	Sept. 1–Mar. 1.
Ginseng	Same as statewide.
Special Regulations	<p>All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.</p> <p>No person shall remove minerals, including coal, trees, plants (including vines), or building stone from the area without specific authorization.</p> <p>Camping is allowed on the entire area.</p> <p>ORV, horseback riding, bicycles, and all other vehicles are restricted to roads marked “open to vehicular traffic.”</p> <p>Night-time use by the general public and raccoon hunters is permitted area-wide.</p> <p>Organized competition events for motorized/non-motorized vehicles prohibited.</p> <p>Maximum noise limit of 86 dBA for all motorized vehicles, as measured 50 feet from the exhaust.</p> <p>Reckless operation of motorized and non-motorized vehicles prohibited. Reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property on developments. Speed limit is 25 mph.</p>

Tellico Lake

All areas except Chota, Niles Ferry, and McGhee-Carson units.

Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	<p>Same as statewide seasons.</p> <p>Squirrel hunting with dogs is permitted during the spring squirrel season.</p>
Special Regulations	No blinds or decoys left overnight.
McGhee-Carson Unit - (That peninsula of Ft. Loudoun State Historic Park at LTRM 21.0)	
Dove	Sept. 4. Shooting from staked positions on first come first served. Opens at noon
Rabbit, Squirrel (Shotguns and Archery only)	Each Saturday and Sunday during the statewide season, except closed during scheduled field trials, and big game hunts.
Deer (Shotgun only)(Young Sportsman)	One 1-day hunt. Nov. 4. Hunter quota 35. One deer, either sex (bonus deer).
Deer (Shotgun-Archery)(Wheelchair-bound Only)	One 2-day hunt. Nov. 18-19. No hunter quota. One deer, either sex (bonus deer).

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Dog Training	Year-round, except closed during field trials and big game hunts. Daylight hours only.
Dog Field Trials	Field Trial Permit Required. Sept. 1-April 15. Trials must be scheduled with Area Manager and special field trial permit must be obtained from the TWRA Region IV Office at least 30 days before trial dates.
Special Regulations	All small game hunting is Young Sportsman/Adult only. Each youth must be accompanied by a licensed adult who may also hunt. Horses permitted, except in freshly planted and standing crops and special areas as posted.
Chota Refuge Unit –(That portion from LTRM 26.0 upstream to the Hiwassee – Alcoa Powerline at LTRM 29.7)	
Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide except all seasons closed Nov. 1–Feb. 14. Dove hunting allowed in fields as posted; non-toxic shot required. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Dog Training	Sept. 1–Oct 31 and Feb. 15-Mar. 15.
Dog Field Trials	Feb. 15–Oct. 31. Field Trial Permit Required. Trials must be scheduled with Area Manager and special field trial permit must be obtained from the TWRA Region IV Office at least 30 days before to trial dates.
Niles Ferry Unit (that portion of the Niles Ferry Industrial Park at LTRM 18.0 as posted).	
Dove (Young Sportsman Only)	Sept. 4 (opens at noon). Adults accompanying youths cannot hunt.
Dove	Sept. 9-10
Small game (Falconry Only)	Jan. 1–Feb. 28
Deer (Shotgun-Muzzleloader)(Young Sportsman)	Four 1-day hunts. Nov. 4, 5, 11, 12. Hunter quota 35. One deer, either sex (bonus deer). Access by Industrial Rd. only.
Wears Bend Unit (That portion of Tellico Reservoir Development Agency Industrial Park at LTRM 18.)	
Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Special Regulations	Horses permitted, except in freshly planted and standing crops and special areas as posted.
Three Rivers	
West Unit and East Unit	
Coyote, crow, dove, deer opossum, quail, rabbit, raccoon, snipe, squirrel, trapping, turkey, waterfowl, woodcock	Same as statewide hunting and trapping seasons. Dogs allowed during the spring squirrel season.

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Deer (Young Sportsman)	One 2-day hunt. Oct. 7-8. No quota. One deer either sex (bonus deer). Statewide archery and small game seasons closed during this hunt.
Waterfowl	No waterfowl hunters allowed on unit or access area from two hours after legal shooting hours have ended until 4:00 a.m. the following day during late duck season(s). No permanent blinds. All decoys, temporary blinds, blind materials, and boats must be removed daily.
Volunteer Army Ammunition Plant	
Deer/Turkey(Archery)	Two 2-day hunts. Oct. 21-22, Nov. 11-12. Hunter quota 150. Two deer, no more than one antlered (bonus deer). One turkey, either sex. Scouting day: 7:00 a.m. to 4:00 p.m. on Oct. 14.
West Sandy	
Deer, Small Game, Turkey	Same as statewide seasons except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	Oct. 7-8. No hunter quota. One deer, either sex (bonus deer). Statewide archery season and all small game hunting closed on these areas during this hunt.
Waterfowl	Waterfowl hunting closes at 3:00 p.m. (CST) each day of the regular statewide waterfowl seasons, except the last day of duck seasons and remaining goose seasons when hunting closes at sunset.
Waterfowl (Wheelchair-bound blind)	Wheelchair-bound blind provided - first come, first serve. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone.
Dog Training	Sept. 1–Mar. 15, except closed during the late duck season
Special Regulations	All activities are prohibited in the subimpoundments five days before the opening day of the statewide duck season Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season.
White Lake Refuge	
Deer, Small Game (Except Dove and Waterfowl)	Same as statewide except as noted. Squirrel hunting with dogs is permitted during the spring squirrel season. Deer count toward statewide bag

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Special Regulations	Closed to all hunting and dog training Nov. 1–Mar. 1.
White Oak	
Small Game (Except Waterfowl)	Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring squirrel season.
Deer	Same as statewide seasons except archery only deer hunting the second segment of Unit A Gun-Archery season. Deer count toward statewide bag. Closed to Jan. 13-14 Young Sportsman Hunt.
Deer (Gun-Archery)(Young Sportsman)	Oct. 7-8. No hunter quota. One deer, either sex (bonus deer).
Waterfowl	Same as statewide seasons except as noted. Waterfowl hunting closes at 3:00 p.m. (CST) during the late duck season(s) and all types of water traffic prohibited after 5:00 p.m. No waterfowl hunters allowed on the area from 5:00 p.m. to 4:00 a.m. the following day during the late duck season.
Special Regulations	All small game and archery hunting closed during Young Sportsman deer hunts. All water traffic prohibited five days before the opening day(s) of the statewide duck season.
Whites Mill Refuge	
Bullfrog	July 1–Aug. 31, gigs only.
Dog Training	Feb. 16-28.
Special Regulations	Closed to all forms of public use, including all forms of trespass, from Nov. 1–Feb. 15. Horseback riding prohibited.
Williamsport	
Dove	Same as statewide season, except open only on Sept. 1 and every Saturday during the first segment. Designated fields only. Shooting from staked positions only on Sept 1. On Sept 1, staked positions will be assigned by a drawing held on site at 10 a.m. Hunters must be present at drawing and must check out at the conclusion of the hunt. Successful applicants must be on stake at legal shooting hours.
Quail, Rabbit, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Deer (Archery)	Two 3-day hunts. Sept. 23-25, Sept. 29–Oct. 1. No hunter quota. One deer, either sex (bonus deer).

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Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 7-8. No hunter quota. One deer, either sex (bonus deer).
Deer (Muzzleloader-Archery)	One 3-day hunt. Oct. 27-29. Hunter quota 100. One deer, either sex (bonus deer).
Deer (Gun-Archery)	Three 3-day hunts. Nov 10-12, Dec. 1-3, Dec. 15-17. Hunter quota 100. One deer, either sex (bonus deer).
Dog Training	Sept. 1-Mar. 15, daylight hours only.
Special Regulations	Open 1 hour before sunrise until 1 hour after sunset on hunt days.

Wolf River

Crow, Dove, Furbearers, Squirrel, Woodcock, Snipe	Same as statewide season.
Quail	Dec. 1 – Jan. 31
Rabbit	Nov. 11 – Feb. 28
Deer	Same as statewide seasons except archery tackle and crossbows only after the first muzzleloader season through the end of statewide deer seasons. Fluorescent orange must be worn by archers and crossbow hunters from Nov. 18 through the remainder of the season. Tree stands must be marked with hunter's TWRA ID number. Deer count toward statewide bag.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 7-8. No hunter quota. One deer, either sex (bonus deer).
Waterfowl	Closes at 3:00 p.m. each day of the late season. Blinds and decoys must be removed each day.
Dog Training	Sept. 1–Mar. 15, except closed during deer gun hunts.
Special Regulations	Adjacent Ghost River State Natural Area open same as Wolf River WMA. Hunting or access to hunt from the boardwalk structure is prohibited. All small game and archery hunting is closed during Young Sportsman deer hunts. Closed to Jan. 13-14 Young Sportsman Hunt. No centerfire rifles, except on young Sportsman deer hunts.

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Yanahli

Dove	Sept. 1 and each day of the statewide season thereafter. Hunting on designated fields only and shooting from staked positions only on Sept. 1. On Sept. 1, staked positions will be assigned by a drawing held on site at 10 a.m. Hunters must be present at drawing and must check out at the conclusion of the hunt. Successful applicants must be on stake at legal shooting hours.
Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock, Waterfowl	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide seasons, except all deer hunting closes after Dec. 15. Deer count toward statewide bag.
Dog Training	Aug. 1–Mar. 15.

Yuchi Refuge at Smith Bend

Dove	Sept. 2. Young Sportsman only. Bag limit 10 per day. Noon till sunset only. Sept. 4-20. Noon till sunset only. Bag limit 10 per day.
Squirrel	Fourth Saturday in August–Dec. 31. Upland Zone only after Nov. 14. Bag limit five per day.
Opossum, Raccoon	Same as statewide except hunting permitted on Wednesday and Thursday only, sunset to sunrise. Closed after Nov. 10. All dogs need to be removed from the area before sunrise on Friday. Bag limit on raccoons, one per party per night. No limit on opossums.
Rabbit	Nov. 6–Jan. 31. Upland Zone only after Nov. 13. Bag limit three per day.
Wood Duck/Teal	Same as Sept. Wood Duck/Teal season except hunting ends at noon. No waterfowl hunters on the area after 2:00 p.m. until 4:00 a.m. the following day.
Deer, Turkey (Archery)	Two 2-day hunts. Sept. 16-17, Oct. 14-15. Hunter quota 100 each hunt. Two deer, no more than one antlered (bonus deer). One turkey, either sex.
Deer (Gun-Archery)(Young Sportsman)	Two 2-day hunts. Sept. 23-24, Oct. 28-29. Hunter quota 75 each hunt. Two deer, only one antlered (bonus deer).
Deer (Muzzleloader)	One 2-day hunt. Oct. 21-22. Hunter quota 50. One deer, either sex (bonus deer).
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 4-5. Hunter quota 50. Two deer, no more than one antlered (bonus deer).

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Deer (Wheelchair-bound Only)	One 2-day hunt. Nov. 11-12. No hunter quota. One deer, either sex (bonus deer).
Retriever Dog Field Trials	Pre-approved by Area Manager at least 30 days in advance of trial dates.
Dog Training	Sept. 1-Mar 15 in Upland Zone. Sept. 1-Nov. 14 and Mar. 1-15 in Wetland Zone. Daylight hours only. No fox or coyote chasing.
Special Regulations	Nontoxic shot only in Wetland Zone. No boat access. No ATV, ORV, or horseback riding permitted. Wetland Zone closed to all forms of public use, including all forms of trespass from Nov. 15 through the last day of Feb. Antlered deer must have a minimum of 4 points on one antler or a 15-inch minimum outside antler spread on all hunts.

Section III. Wildlife Management Areas and Refuges – Trapping Seasons

The following wildlife management areas are open to trapping as set out in the statewide season, unless otherwise indicated:

(Small Game WMA permit is required to trap on all areas that require a small game hunt permit.)

Note: Red Fox may be taken during Statewide Trapping Season

AEDC	Cold Creek	North Chickamauga Creek (15)
Alpine Mountain	Cordell Hull	Obion River
Arnold Hollow	Cove Creek	Old Hickory
Bark Camp Barrens	Cummings Cove	Owl Hollow Mill
Barkley Unit I (1)	Ernest Rice, Sr.	Pea Ridge
Barkley Unit II	Foothills	Percy Priest (Unit II)
Bear Hollow Mountain	Harmon Creek	Pickett State Forest
Beaver dam Creek	Haynes Bottom	Prentice Cooper State Forest (6)
Big Sandy (1)	Hick Hill	Rankin
Bridgestone/Firestone (6)	Hickory Flats	Reelfoot (13)
Browntown	Kyles Ford	Royal Blue (10)
Buffalo Springs	Laurel Hill (4)	Shelton Ferry
Camden Unit I (1)	LBL (14)	Standing Stone State Forest
Camden Unit II	Lick Creek	Sundquist
Catoosa (5)	Lick Creek Bottoms	The Boils
Cedar Hill Swamp	Long Pond	Three Rivers

WILDLIFE PROCLAMATIONS

Charlotte Ann Finnell Neal	Moss Island	Tie Camp
Cheatham (4)	Maple Springs	Tigrett
Cheatham Lake	Mingo Swamp	John Tully
Cherokee-North Unit	Mt. Roosevelt	Tumbleweed
Cherokee-South Unit (11)	MTSU	Watts Bar (8)
Chickamauga (7)	Natchez Trace State Forest (2)	West Sandy (1)
Chickasaw State Forest	Meeman-Shelby Forest State and Park Natural Area (9)	White Oak
Chuck Swan State Forest (12)	New Hope	Williamsport
C.M. Gooch (3)	Normandy	Wolf River
		Yanahli

1. No trapping during duck season.
2. All areas open except Pin Oak Lake.
3. No trapping during the duck season in Units A and E.
4. Jan. 4–Feb. 4.
5. Jan. 1-31.
6. Dec. 16-28.
7. No trapping during the duck season on Candies Creek, Johnson Bottoms, Rogers Creek, and Yellow Creek units.
8. No trapping during the duck season on the Long Island Unit.
9. Beaver trapping by special permit only. Trapping of all other species prohibited.
10. Beaver trapping prohibited.
11. Jan. 1–Feb. 15.
12. No raccoons. Jan. 8–Jan. 31. Quota 1 party per compartment. Trappers must apply at WMA office. No snares or conibear traps. Trappers must report catch annually.
13. A Reelfoot Preservation Permit is required instead of a Small Game WMA permit.
14. Fourteen consecutive days beginning the second Monday in January. LBL Hunt Areas 12 and 14 designated problem areas as assigned. All species to conform with statewide regulations. Trappers must report their harvest in accordance to LBL instructions. Beaver Trapping: Feb. 1 – 28. All areas open except areas shaded in gray on LBL legal road map or posted as no hunting.
15. Friday before Thanksgiving-Jan 31. Traps must be checked each day.

SECTION IV. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 05-14 dated May 19, 2005.

Proclamation No. 06-14 received and recorded this 16th day of June, 2006. (06-14)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-15

PROCLAIMING NORTH CHICKAMAUGA CREEK WILDLIFE MANAGEMENT AREA

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Sections 70-1-206 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the following area as a wildlife management area to be known as North Chickamauga Creek Wildlife Management Area:

Those areas of Hamilton County and Sequatchie County, Tennessee, lying generally along North Chickamauga Creek, as posted, being owned by the State of Tennessee either under the jurisdiction of the Tennessee Wildlife Resources Agency or under the jurisdiction of the Department of Environment and Conservation. A more complete description may be found on file in the Real Estate Division office of Tennessee Wildlife Resources Agency, Nashville, Tennessee.

This proclamation repeals Proclamation No. 00-5, dated May 24, 2000.

Proclamation No. 06-15 received and recorded this 16th day of June, 2006. (06-15)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 06-16

PROCLAIMING TUMBLEWEED WILDLIFE MANAGEMENT AREA

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Sections 70-1-206 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the following area as a wildlife management area to be known as Tumbleweed Wildlife Management Area:

Those lands and waters in southwest Lake County and northwest Dyer County owned by the State of Tennessee under the jurisdiction of the Tennessee Wildlife Resources Agency, as posted. A more complete description may be found on file in the Real Estate Division office of Tennessee Wildlife Resources Agency, Nashville, Tennessee.

Proclamation No. 06-16 received and recorded this 16th day of June, 2006. (06-16)



CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning June 1, 2006 and ending June 30, 2006.

A handwritten signature in black ink that reads 'Riley C. Darnell'.

RILEY C. DARNELL
Secretary of State